



**NEW YORK STATE EDUCATION DEPARTMENT
PROPOSAL TO PARTICIPATE IN THE NCLB
DIFFERENTIATED ACCOUNTABILITY PILOT
PROGRAM**

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**New York State Education Department
Albany, New York 12234**

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**NEW YORK APPLICATION
FOR THE
NCLB DIFFERENTIATED ACCOUNTABILITY PILOT**

September 2008

EXECUTIVE SUMMARY

INTRODUCTION

The New York State Education Department (SED) submits this proposal to participate in the No Child Left Behind (NCLB) Differentiated Accountability Pilot Program for implementation in the 2009-2010 school year based on assessments administered in the 2008-2009 school year. The proposal employs the flexibility of the pilot while maintaining continued focus on the “bright-line principles” of NCLB: improving achievement and narrowing achievement gaps by holding schools and districts accountable for results using annual assessments; providing real choice for parents; ensuring that parents have accurate and meaningful information about their children’s schools; and improving teacher quality. The proposal also complements the State’s action to implement a strong accountability model that is combined with a rigorous approach toward reform.

As reflected in the proposal, the timing is ideal: New York, under the leadership of the Board of Regents, is in the process of building a broader world class system of accountability, supports and interventions, consistent with the requirements of Chapter 57 of the Laws of 2007, which charge the Board of Regents with creating an enhanced accountability system for New York State. Implementing the proposed differentiated accountability model in 2009-2010 will permit SED to align the proposed plan with the ongoing work of the Board of Regents. Upon approval from the United States Department of Education (USED) and the Board of Regents, SED will implement a new method of categorizing schools identified for improvement, use differentiated diagnostic tools to assist schools and districts to develop and implement appropriate plans to address the needs of students, vary the intensity and interventions to match the academic reasons that led to a school’s identification, compress the length of time a school is supported through improvement, and further merge elements of the New York State and NCLB accountability systems.

The proposal is consistent with the ten core principles that are outlined in the differentiated accountability peer guidance that was issued in March 2008. The proposal is informed by data that SED has collected and analyzed as well as cutting edge research in the field relating to effective schools, student achievement, and the role of districts and the state. In developing this proposal, SED utilized the findings and insights of the following researchers and education policy centers: Marzano, Center on Education Policy; Fullan et.al; Mass Insight Education & Research Institute; Reeves; Shannon and Bylsma; Learning Point Associates; the Center for Comprehensive School Improvement and Reform; Ucelli and Foley; Annenberg Institute; the University of Massachusetts Center for Education Policy; Simmons; the Rand Corporation and the United States Department of Education.

Approval of this plan by USED will permit New York State to forge ahead on a creative, innovative path that ultimately leads to all students demonstrating proficiency in reading and mathematics by 2013-2014. The Board of Regents will adopt regulations required for implementation of this plan no later than July 2009.

NEW YORK'S ELIGIBILITY

1. New York's standards and assessment system is fully approved as administered in the 2008-2009 school year.
2. New York has no significant outstanding monitoring findings related either to NCLB or the Individuals with Disabilities Education Act (IDEA) requirements.
3. New York has a plan for meeting the requirements in NCLB for highly qualified teachers that has been approved by the Department.
4. New York provides timely and transparent Adequate Yearly Progress (AYP) information to the public. New York has no unapproved occurrence of late AYP notification in the past two years.
5. New York is preparing to conduct an evaluation of the extent to which its providers of Supplemental Educational Services (SES) are contributing to student achievement and has started the process of collecting data for the evaluation.

PRIORITY CRITERIA

New York currently has eighteen (18) percent of its Title I schools identified for improvement and has a variety of mechanisms in place that require schools at all phases of the NCLB accountability continuum to take aggressive actions when they are also farthest from State standards and determined to be most in need of improvement.

In addition, New York currently has twelve (12) percent of its non-Title I schools identified for improvement and subjects these schools to similar planning requirements as it does its Title I schools identified for improvement.

KEY FEATURES OF NEW YORK'S PROPOSAL

Under the leadership of the Board of Regents and consistent with Chapter 57 of the Laws of 2007 (Chapter 57), SED seeks USED flexibility to systemically expand school improvement efforts. Using funds provided by the Gates and Wallace Foundations, the Board of Regents and SED have been working with national experts to develop an enhanced accountability system that is the most educationally sound in the New York context and is consistent with the NCLB core principles. This differentiated accountability model is one step in the Regents' efforts to transform the way in which schools and districts are supported in their efforts to raise student performance and close achievement gaps.

Key features* of the differentiated accountability model will permit SED to do the following:

- collapse identifications for improvement into three simplified **phases of improvement:** *Improvement, Corrective Action* and *Restructuring to provide schools with the opportunity, expertise and the time to implement meaningful strategies within concentrated two year phases of improvement**;
- eliminate dual Title I and non-Title I streams of improvement, integrating federal and State accountability systems;
- allow for differentiation in the improvement process, permitting schools and districts to prepare and implement school improvement plans that best match a school's designation;*

- base accountability designations and requirements primarily on the manner in which a district or school failed to make AYP (e.g., failure on one accountability measure with one student group but not the ALL student group; failure on more than one accountability measures or with more than one student group within an accountability measure but not the ALL student group; failure on one or more accountability measures for the ALL student group or failure for all other student groups within an accountability measure) and differentiate three **categories of intervention**: *Basic, Focused and Comprehensive*;*
 - replace the current NCLB Corrective Action/Planning for Restructuring designation with a two year phase of intensive *Corrective Action*;*
 - differentiate the interventions delivered to *Restructuring* schools through the assignments of Joint Intervention Teams (JITs) and Distinguished Educators (DEs) and combine the Planning for Restructuring and the first year of Restructuring into a single process;*
 - collect data to continually assess and modify the differentiated accountability system to best support school improvement, implementing the strongest interventions with utmost attention to limited resources (financial and human);
 - increase academic performance in schools through School Quality Review (SQR) Teams, Curriculum Audits, JITs and DEs as outlined in the core principles;
 - maximize the State’s limited resources to target the lowest performing schools with the most intense interventions while providing more latitude for schools and districts to craft improvement strategies with those schools most likely to be able to make AYP;*
 - strengthen the capacity of districts to assume the central role in providing support to, intervening in, and monitoring the performance of schools;
 - use the resources that are available throughout the University of the State of New York (USNY), including institutions of higher education, to assist districts as they assume the central role in providing support to, intervening in, and monitoring the performance of schools;
 - increase combined participation in public school choice (PSC) and/or SES by requiring that schools newly identified for the improvement phase first offer SES to parents instead of PSC;*
 - expand SES services for students, especially in New York State schools outside of the Big Five cities (Buffalo, New York City, Rochester, Syracuse, and Yonkers) where options for choice are limited or nonexistent due to building/grade configurations;*
 - ensure that schools that fail to successfully implement restructuring plans are targeted for phase out or closure;
 - make the system more transparent and easy for the public to understand;
 - conduct rigorous evaluation to inform ongoing action.

* Items identified with an (*) can only be accomplished fully by New York if USED approves this differentiated accountability model.

BUILDING ON SUCCESS

Since the implementation of NCLB, the achievement gap in New York is closing and student achievement overall is rising as the data below demonstrates.

Results from the National Assessment of Educational Progress (NAEP): Between 2002 and 2007, the gap between the percentage of White students who score at or above proficient in Grade 4 reading and the percentage of Black and Hispanic students who score at or above proficient has decreased by five and four percentages points respectively. During that time, the percentage of Black students scoring at or above basic improved by nine percentage points and the percentage of Hispanics improved by four percentage points. In Grade 4 mathematics, New York made even more dramatic gains with the percentage of all students who are proficient increasing between 2003 and 2007 by ten percent, the percentage of Black students proficient increasing by six percent and the percentage of Hispanic students proficient increasing by ten percent. These gains are attributed in part to aggressive efforts that New York has made to implement a Universal Pre-kindergarten program and promote effective reading and mathematics instruction in the early grades. While New York has not demonstrated dramatic gains in Grade 8 reading and mathematics during this period, the percentage of students who are at or above Proficient in Grade 8 reading exceeds the national average and the percentage that are at or above Proficient in Grade 8 mathematics also exceeds the national average.

<http://www.nces.ed.gov/nationsreportcard/states/profile.asp>

Results from State assessments: New York tested elementary students in Grade 4 and middle school students in Grade 8 in school years 2001-2002 to 2004-2005. During this period, the percentage of students scoring at or above proficiency in elementary English language arts (ELA) rose from 61.5 percent to 70 percent and the percentage of students at or above proficiency in middle level ELA improved from 44.3 percent to 48 percent. With the implementation of Grade 3-8 testing for the 2005-2006 school year, performance in Grade 3-8 ELA continued to improve, with a seven percent increase in the percentage of students who were proficient between 2005-2006 and 2007-2008. In elementary school mathematics, the percentage of students who scored at or above proficiency increased from 68 percent to 85 percent between 2001-2002 and 2004-2005 while the percentage of students at or above proficiency in Grade 8 mathematics rose from 47.7 percent to 55.5 percent. In Grade 3-8 mathematics, the percentage of students who scored at or above proficiency rose from 66 percent in 2005-2006 to 81 percent in 2007-2008. The achievement gap also narrowed across grades 3-8 in mathematics. The number of Black students performing at or above proficiency increased from 46 percent to 66 percent, the number of Hispanic students increased from 52 to 71 percent and the number of White students from 76 to 88 percent.

At the high school level, New York has also been decreasing the graduation achievement gap, with the percentage of Black students graduating within four years increasing by three percent between 2004 and 2006 and the percentage of Hispanic student increasing by four percent during that period.

Contributing to these gains was the fact that New York raised the percent of core classes taught by highly qualified teachers in every subject except the arts between 2004-2005 and 2005-2006. More significantly, New York also narrowed the gap between high and low poverty school districts.

<http://www.emsc.nysed.gov/irts/press-release/archive/home.shtml>

Implementation of the proposed differentiated accountability model will enable the State to build on its record in closing the remaining achievement gaps. Focusing on the root causes of identification for improvement, in addition to the length of time that a school is on the improvement continuum, in order to distinguish the level and degree of intervention, would greatly facilitate the gap closing efforts of the State.

EXPECTED OUTCOMES:

School districts in New York currently have an excellent record in successfully exiting schools from accountability status when these schools have been identified for improvement for a single accountability group on a single accountability measure. In fact, more than two-thirds of such schools in New York made AYP in 2006-2007. However, when schools are identified for multiple reasons or for the performance of all students, the success rate for making AYP dramatically decreases. By the time schools enter Restructuring, the prospect for making AYP diminishes even further. By implementing this plan, New York expects to be able to reallocate resources and better differentiate interventions so as to substantially increase the number of schools that make AYP and move more aggressively to close, phase out or fundamentally restructure those that do not. The goal of the plan is to reduce to no more than 10 percent the number of schools in identification status by 2012-2013.

HOW NEW YORK'S DIFFERENTIATED ACCOUNTABILITY MODEL WILL WORK

New York State's differentiated accountability model bases accountability designations on both the degree to which a school manifests systemic failure of groups of students to make AYP and the length of time such failure has persisted. The model creates **three distinct phases of improvement** that are based on the number of years a school fails to make AYP: *Improvement*, *Corrective Action* and *Restructuring*. Within each phase a school utilizes the findings of a specific diagnostic and/or support (School Quality Review, Curriculum Audit, and Assignment of a Joint Intervention Team or Distinguished Educator) to create and implement a school improvement plan. A school moves from one phase to the next phase when it fails to achieve AYP for two years. The rigor of the interventions as well as the intensity of district and SED oversight increases as a school moves from one phase to the next.

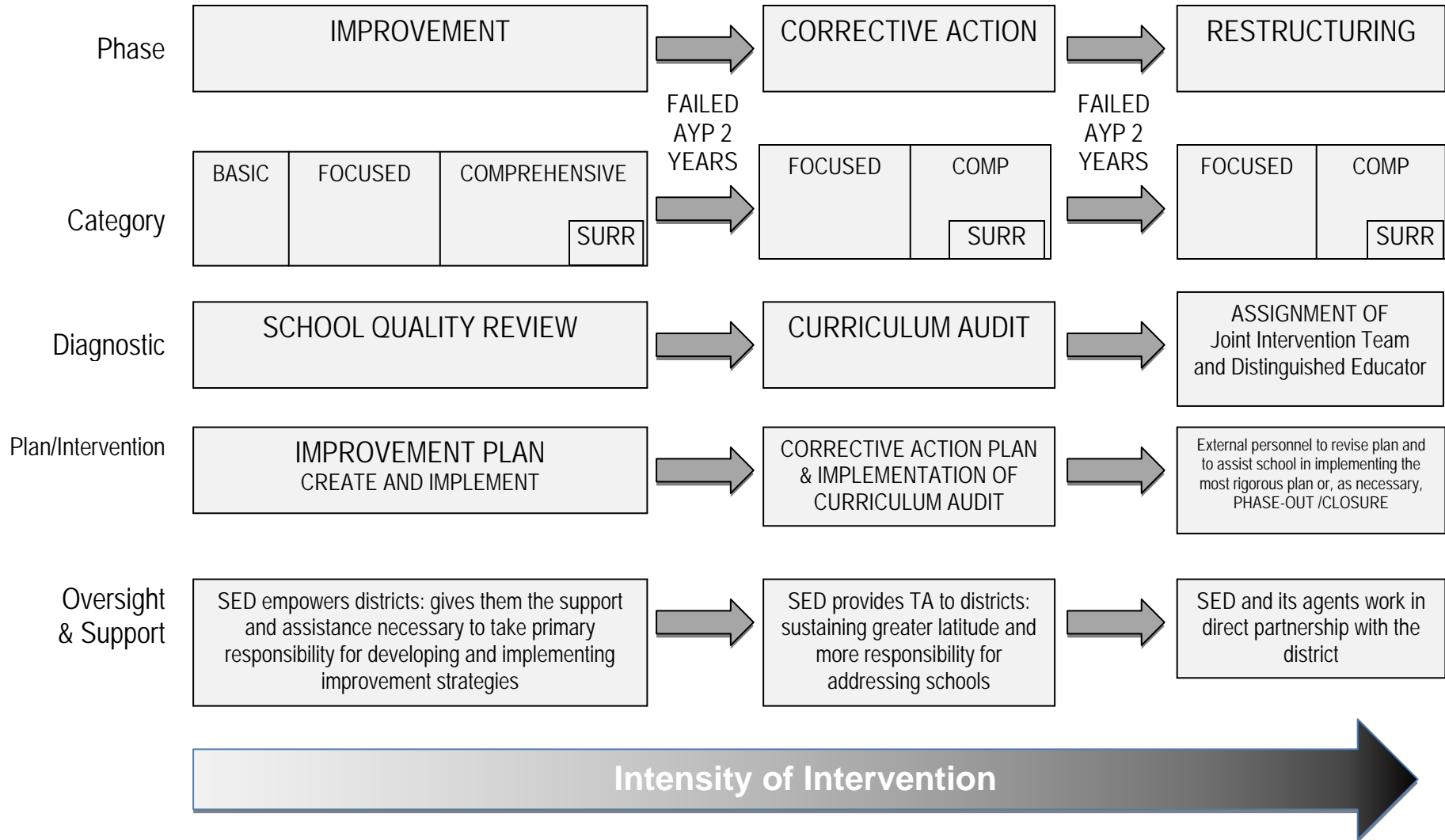
The **three phases** are further differentiated into **three categories** (differentiated by the number of accountability measures and student groups not making AYP): *Basic*, for the *Improvement* phase only; *Focused*; and *Comprehensive*. Each category is determined by the degree to which there has been systemic failure of groups of students to make AYP. The depth, scope and comprehensiveness of the intervention as well as the primary provider of support, oversight and intervention vary by phase of improvement and category. In particular, this model is designed to empower districts and give them the support and assistance necessary to take primary responsibility for developing and implementing improvement strategies in schools that are not persistently failing to make AYP with large groups of students. In such instances, districts will have considerable flexibility to work with schools to design improvement plans that are tailored to the specific circumstances of the school. By simultaneously giving districts both greater latitude and more responsibility for addressing this group of schools, the State Education Department provides both itself and the district a greater ability to concentrate resources on those schools that need more comprehensive interventions in order to ensure improvements in student performance.

If failure persists or becomes more systemic, the SED and its agents will enter into partnership with the district to improve student performance through the creation of a JIT. Ultimately, if failure continues to persist, the SED may assign a DE and direct how the district addresses the needs of students, which may include requiring the closure or phasing out of a school.

These interventions are designed to provide a school with the resources, time and expertise needed to improve to have all students meet proficiency in ELA and mathematics by 2013-2014. Meanwhile, progression along the school improvement continuum ensures that a school that consistently fails to make AYP does not continue to operate.

Explicit details of the differentiated accountability model are presented within the core principles in the pages that follow.

Figure 1: **Differentiated Accountability Model**



SECTION I: ACCOUNTABILITY

CORE PRINCIPLE 1: ADEQUATE YEARLY PROGRESS (AYP) DETERMINATIONS CONSISTENT WITH STATE'S CONSOLIDATED ACCOUNTABILITY WORKBOOK

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|--|
| 1.1 Has the state demonstrated that the state's accountability system continues to hold schools and school districts accountable and ensures that all students are proficient by 2013-2014? |
|--|

Response 1.1:

Yes, New York State makes annual Adequate Yearly Progress (AYP) determinations for all public schools and Local Educational Agencies (LEAs) as required by NCLB and in accordance with the State's approved NCLB accountability workbook. In addition, all public schools in New York State are subject to the accountability provisions of Section 100.2(p) of New York Codes, Rules and Regulations (NYCRR). As stated in 8 NYCRR §100.2(p)(4), "Each year, commencing with the 2002-2003 school year test administration results, the commissioner shall review the performance of all public schools, charter schools and school districts in the State." 8 NYCRR §100.2(p)(4) further states, in pertinent part, "For each accountability performance criterion... and each performance indicator... the commissioner,... shall determine whether each public school, charter school and school district has achieved adequate yearly progress..." 8 NYCRR §100.2(p)(6)(vi) further states, in part, "... a public school or charter school that received funds under Title I for two consecutive years during which the school did not make adequate yearly progress shall be identified for school improvement under section 1116(b) of the [NCLB], 20 U.S.C. section 6316(b)(1)-(3) and is subject to the requirements therein..."

New York State uses a performance index (PI) to determine adequate yearly progress in English language arts (ELA) and mathematics. A PI is calculated separately for each of the following: Grade 3-8 ELA, Grade 3-8 mathematics, high school ELA and high school mathematics. The State identifies for school improvement any school that fails to make AYP for two consecutive years on the same accountability measure. As defined in the New York's approved accountability workbook, the six "accountability measures" include the following:

- Grade 3-8 ELA
- Grade 3-8 Mathematics
- High School ELA
- High School Mathematics
- High School Graduation Rate
- Grades 4 and 8 Science

The State's accountability system continues to hold schools and school districts accountable to ensure that all students are proficient by 2013-2014. Pursuant to 8 NYCRR § 100.2(p)(14), the annual measurable objective for the 2013-2014 academic year requires that 100 percent of students reach, at a minimum, proficiency in ELA and mathematics.

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| 1.2 Has the state demonstrated that it makes annual AYP determinations for all public schools and school districts as required by NCLB and as described in the state's accountability plan? |
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Response 1.2:

Yes, as required by NCLB, New York makes annual AYP determinations for all public schools and LEAs in accordance with the State's approved Accountability Plan. As noted in 1.1, 8 NYCRR §100.2(p)(4) requires that the commissioner, commencing with 2002-2003 school year test administration results, shall determine whether each public school, charter school and school district has achieved adequate yearly

progress. Each school and LEA has its AYP determinations made public in the school and/or district report card at: <http://www.emsc.nysed.gov/irts/reportcard/2007/home.shtml>

Under the proposed differentiated accountability model, New York will continue to calculate AYP for all public schools and LEAs, as specified in its approved NCLB accountability workbook.

CORE PRINCIPLE 2: TRANSPARENT INFORMATION ABOUT AYP CALCULATIONS

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| 2.1 Has the state explained how it ensures that the components of its AYP calculations include all students? |
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Response 2.1:

As required by NCLB for Title I schools and as required by commissioner's regulations for those schools not receiving Title I funds, New York State has measures in place to ensure that all students are included in the AYP calculations.

8 NYCRR §100.2(p) requires that all public elementary, intermediate, middle, junior high, and high schools in the State be registered by the Board of Regents and that the commissioner annually evaluate the performance of all public schools, charter schools, and school districts in the State. The school district accountability groups for each grade level include all students enrolled in a public school in the district or placed out of the district for educational services by the district committee on special education or a district official (§100.2(p)(1)(i)). Article 56 of Education Law requires charter schools to be subject to the State assessment requirements and student performance standards adopted by the Board of Regents.

New York State holds each LEA responsible for students attending public schools in the LEA and for students residing in the LEA who by LEA decision are receiving educational services outside the LEA and students with disabilities placed by the LEA Individualized Education Program (IEP) Team (Committee on Special Education (CSE) in New York State), in a Board of Cooperative Educational Services program or in a State approved-private placement. The LEA is responsible for ensuring that these students participate in all appropriate State assessments and for reporting their results to the State. These students are included in calculating LEA performance on the accountability indicators. New York State requires that schools and LEAs report student race, ethnicity, gender, disability status, migrant status, English proficiency, and economic status along with student assessment results. The State aggregates these data and produces LEA and school report cards with results disaggregated by these groups to determine AYP for the groups.

New York State disaggregates and holds schools and LEAs accountable for the performance of each of the following student groups that meet the minimum size requirements for accountability purposes:

- All Students
- Asian
- Black or African-American
- Hispanic
- American Indian or Alaskan Native
- White
- Native Hawaiian or other Pacific Islander
- Low-Income
- Limited English Proficient (LEP)
- Students with Disabilities (SWD)

2.2 How has the state provided the public with transparent and easily accessible information about how the state calculates AYP?

Response 2.2:

New York State has annually provided the public with transparent and easily accessible information about AYP determinations and the State’s accountability system by way of the State’s website. An on-line PowerPoint details the State system and the following: AYP determinations; PI; cohorts; annual measurable objectives (AMOs); safe harbor; and general accountability rules.

See: <http://www.emsc.nysed.gov.irts/accountability/2006-07/accountability-rules-Feb2007.ppt>

The school and LEA report cards also provide a description of the process for calculating AYP. The LEA/school report cards together with tools posted on the SED’s website provide a detailed and comprehensive description and explanation of all pertinent components of the federal and State accountability standards.

CORE PRINCIPLE 3: TITLE I SCHOOLS CONTINUE TO BE IDENTIFIED FOR IMPROVEMENT AS REQUIRED BY NCLB

3.1 Does the state identify schools and school districts for improvement and publicly report such determinations?

Response 3.1:

As required by NCLB and commissioner’s regulations, New York annually evaluates the performance of all public schools and LEAs. Schools and LEAs that fail to make AYP are identified as in need of improvement or as requiring academic progress. Schools and LEAs that make AYP on all applicable criteria and make significant progress towards or meet state standards can be identified as “high performing” or “rapidly improving.”

All public schools that receive funds under Title I for two consecutive years during which the school did not make adequate yearly progress on an accountability measure are identified for school improvement under section 1116(b) of the NCLB Act, 20 U.S.C section 6316(b)(1)-(3) and are subject to the requirements therein. In addition, 8 NYCRR §100.2(p)(6)(i) states, “A public school that fails to make adequate yearly progress for two consecutive years in the same accountability performance criterion in paragraph (14) of this subdivision or the same accountability indicator of paragraph (15) of this subdivision shall be designated in the next school year as a “school requiring academic progress: year 1.” 8 NYCRR §100.2(p)(7)(i) states, “Commencing with 2003-2004 school year results, a district that failed to make adequate yearly progress on all criteria in paragraph (14) of this subdivision in a subject area, or all applicable indicators in subparagraphs (15)(i) through (15)(iii) of this subdivision, or the indicator in subparagraph (15)(iv) of this subdivision for two consecutive years shall be designated as a ‘district requiring academic progress.’ A district improvement plan in such format as may be prescribed by the commissioner shall be developed by each district requiring academic progress.”

New York State meets all local report card requirements under NCLB section 1111(h)(2). An annual Accountability Overview Report and a Comprehensive Information Report are published and available on the Web for every public school and LEA in the State. In addition to the accountability status that is provided in the Accountability Overview Report, each year SED also makes available on the Web lists of schools and districts that are Good Standing, In Need of Improvement, or Requiring Academic Progress.

Upon the approval of the differentiated accountability model by USED and the Board of Regents, New York’s accountability workbook, commissioner’s regulations and the school and district Accountability Overview Reports will be amended to reflect the phases and categories of the new differentiated

accountability model. The Board of Regents will adopt regulations required for implementation of this plan no later than July 2009.

Section II: Differentiation Model

CORE PRINCIPLE 4: METHOD OF DIFFERENTIATION

4.1 Has the state established technically and educationally sound criteria to distinguish between the phases (e.g., from “improvement” to “restructuring”) of differentiation?

Response 4.1:

New York State proposes three phases to differentiate among identified schools: *Improvement*, which corresponds to the current NCLB designation of Schools in Need of Improvement Years 1 and 2; *Corrective Action* which corresponds to the current Corrective Action Year 1 and Corrective Action Year 2/Planning for Restructuring; and *Restructuring*, which corresponds to the current Restructuring Years 1, 2 3+. The criteria used to differentiate between the phases is the number of years schools fail to make AYP in ELA, mathematics, science or graduation rate. Schools move from phase to phase based on whether they make AYP. If a school fails to make AYP for two years, it is moved to the next phase. (See Table 1)

Table 1: Proposed Phases of Differentiation and Criteria for Identification

| Current NCLB Designation | Proposed Phases of School Improvement | Criteria for Identification Between Phases |
|---|---|--|
| Good Standing | GOOD STANDING | Schools not identified for Improvement, Corrective Action or Restructuring |
| Schools in Need of Improvement Year 1

Schools in Need of Improvement Year 2 | IMPROVEMENT
<ul style="list-style-type: none"> ➤ Basic ➤ Focused ➤ Comprehensive | Schools that fail to make AYP in ELA, mathematics, science or graduation rate for 2 consecutive years. |
| Corrective Action Year 1

Corrective Action Year 2/Planning for Restructuring | CORRECTIVE ACTION
<ul style="list-style-type: none"> ➤ Focused ➤ Comprehensive | Schools enter <i>Corrective Action</i> after having failed to make AYP for two years in the area(s) for which they were identified for <i>Improvement</i> . |
| Restructuring Year 1
Restructuring Year 2
Restructuring Year 3+ | RESTRUCTURING
<ul style="list-style-type: none"> ➤ Focused ➤ Comprehensive | Schools enter <i>Restructuring</i> after having failed to make AYP for two years in the area(s) for which they were identified for <i>Corrective Action</i> or after failing to make AYP for two years following identification as farthest from State standards and most in need of improvement, i.e., a School Under Registration Review (SURR). |

At present, we are requesting that the differentiated accountability model only apply to schools. Similar phases could be used in making accountability determinations for Districts in Need of Improvement in the future. By delaying differentiation for districts, SED will have the opportunity to evaluate and refine its model.

4.2 Has the state established technically and educationally sound criteria to differentiate between categories (e.g., between “focused” and “comprehensive”) within a phase of improvement?

Response 4.2:

New York State proposes that within each phase of improvement schools be further differentiated into the categories of *Basic*, *Focused* or *Comprehensive*. The criteria used for differentiating between categories are the number of accountability measures and student groups not making AYP. (See Table 2)

Table 2: Proposed Categories of Differentiation and Criteria for Identification

| Proposed Phase Designation | Proposed Categories within the Phase | Criteria for Identification Between Categories |
|-----------------------------------|---|---|
| IMPROVEMENT | ➤ Basic | Schools identified for one accountability measure and one student group but not the ALL student group |
| | ➤ Focused | Schools identified for more than one accountability measure OR more than one student group within an accountability measure but not the ALL student group |
| | ➤ Comprehensive | Schools identified for one or more accountability measures and the ALL student group or failure for all other student groups within an accountability measure |
| CORRECTIVE ACTION | ➤ Focused | Schools identified one or more accountability measures OR one or more student groups within an accountability measure but not the ALL student group |
| | ➤ Comprehensive | Schools identified for one or more accountability measures and the ALL student group or failure for all other student groups within an accountability measure |
| RESTRUCTURING | ➤ Focused | Schools identified one or more accountability measures OR one or more student groups within an accountability measure but not the ALL student group |
| | ➤ Comprehensive | Schools identified for one or more accountability measures and the ALL student group or failure for all other student groups within an accountability measure |
| According to criteria | Schools Under Registration Review (SURR) | Schools in the <i>Improvement</i> , <i>Corrective Action</i> or <i>Restructuring</i> phase (based on the ALL student group) that are farthest from State standards and deemed most in need of improvement |

This further differentiation within a phase is designed to allow for more precise targeting of supports and interventions predicated on not only the number of years a school is failing to make AYP but also the reason(s) for identification, i.e., the number of accountability measures and the number of student group(s) identified as not making AYP. Improvement resources can be better targeted by taking into consideration both the number of years a school fails to make AYP on an accountability measure and the groups of students for which the school failed to make AYP. We propose the number of years a school

fails to make AYP be the primary determinate of the type of review, support, and intervention a school receives while the accountability measures and groups of students for which a school fails to make AYP be the primary determinant of the provider of support and intensity and scope of intervention.

Our proposed model is designed to strengthen the capacity of districts to play the central role in providing support to, intervening in, and monitoring the performance of schools. Analysis conducted by the SED demonstrates that districts have the capacity to successfully intervene in schools that enter the *Improvement* phase solely because of the performance of a single accountability group on a single accountability measure. However, as the number of groups or accountability measures for which a school is identified increases, the likelihood that a school will make AYP without extensive support decreases. Similarly, the longer a school remains identified, the less likely it becomes a school that will make AYP. For example, while 73 percent of schools that met the criteria for *Improvement* in the *Basic* category made AYP in 2006-2007 only 9 percent of schools that met the criteria for *Restructuring* in the *Comprehensive* category did so. This statistic underscores the need for districts and the State to better differentiate supports and interventions so as to maximize the effective use of resources. (See Table 7)

When schools fail to make AYP on the same accountability measure, i.e., ELA, mathematics, science or graduation rate, for two years, they will be placed in the *Improvement* Phase. A key feature of this phase is that every school will participate in a School Quality Review (SQR) process. In order for districts, SED and its partners to be able to target resources and interventions to schools most in need, the schools will then be further differentiated into one of three categories - *Basic*, *Focused*, *Comprehensive* - that will determine the scope and intensity of the SQR process and the types of plans that schools will be required to develop. These three categories apply to the *Improvement* phase. Each category within a phase calls for an increasing intensity of intervention. By initially grouping schools into three categories based on the number of accountability measures and student groups not making AYP, SED allows districts and SED to focus comprehensive resources on the schools with the greatest need while providing considerable latitude to districts to design local solutions to improve schools with more specific needs. By creating a differentiated rather than generic system of interventions within the first phase of *Improvement*, SED expects student performance will improve and more schools, particularly in the *Comprehensive* category, will be able to exit from school improvement within the first two years of identification. (See Research Appendix- Marzano, *What Works in School*; Center on Education Policy, *Educational Architects*)

In the second phase, *Corrective Action*, schools will be differentiated into *Focused* and *Comprehensive* according to whether or not the ALL student group is identified or if all other student groups are identified (see Table 2). Schools that are failing to make AYP for four to five years need an intensive corrective action and time to implement these corrective actions. In addition, schools that are identified as *Corrective Action Comprehensive* because of the ALL student group not making AYP or because all other student groups are not making AYP need to address the entire school program because systemic problems require systemic solutions. A key feature of the *Corrective Action* phase is that every school will be required to undergo an intensive Curriculum Audit targeting the accountability measures and student groups identified in addition to taking at least one other appropriate corrective action.

Under NCLB, schools in the Corrective Action Year 2 (CA-2) /Planning for Restructuring are trying to balance implementing a required corrective action as well as planning for restructuring. This is a challenge for schools and, therefore, SED proposes that planning for restructuring and implementation of restructuring be combined as part of the *Restructuring* phase. Schools in the *Corrective Action* phase, with the support of the district, will have two years to develop a new/revised curriculum and provide the professional development necessary to successfully implement the new/revised curriculum. Critical to the Curriculum Audit will be a focus on ensuring that the curriculum as written and taught is well aligned to State standards. This additional time to implement a more focused intervention is expected to have positive results on student performance. (See Research Appendix- Marzano, *What Works in Schools*;

Shannon and Bylsma, *Characteristics of Improved School Districts*; Reeves, *High Performance in High Poverty Schools*)

The third phase, *Restructuring*, would also be differentiated according to whether or not the ALL student group is identified or if all other student groups are identified (see Table 2). The new *Restructuring* phase would merge the current CA-2/Planning for Restructuring and Restructuring Year 1 and would set limits as to the number of years a failing school continues to operate. A school failing to make AYP for six or more years needs a different type of intervention that may include phase-out/closure of the school. A key feature of the *Restructuring* phase is that schools in the *Focused* category will be assigned a Joint Intervention Team (JIT) by the Commissioner to assist in the planning and restructuring initiatives and schools in the *Comprehensive* category will be assigned a JIT and a Distinguished Educator (DE) by the Commissioner to make recommendations, which may include phase-out closure of the school. This intervention will allow schools that are making progress to continue to implement their restructuring plan while failing schools would no longer be allowed to continue to operate. (See Research Appendix: Mass Insight Education & Research Institute, *The Turnaround Challenge*.)

Within all of the new phases of school improvement is a subset of schools that are farthest from State standards and most in need of improvement, i.e., Schools Under Registration Review (SURR). To be identified as a SURR, a school must be first identified either under NCLB as a Title I School In Need of Improvement or under the State system as a School Requiring Academic Progress. In recent years, most schools identified as SURRs have been Schools In Need of Improvement or Corrective Action. Once identified, a SURR school is given targets based upon the performance of the “all student group” that the school must meet within a specified timeframe. Schools that do not meet their targets are at risk of loss of registration and closure unless the Commissioner makes a finding of extenuating circumstances or the district submits a plan to phase out and close the school. Since 1998, schools districts have closed 61 SURR schools.

In the new differentiated accountability model:

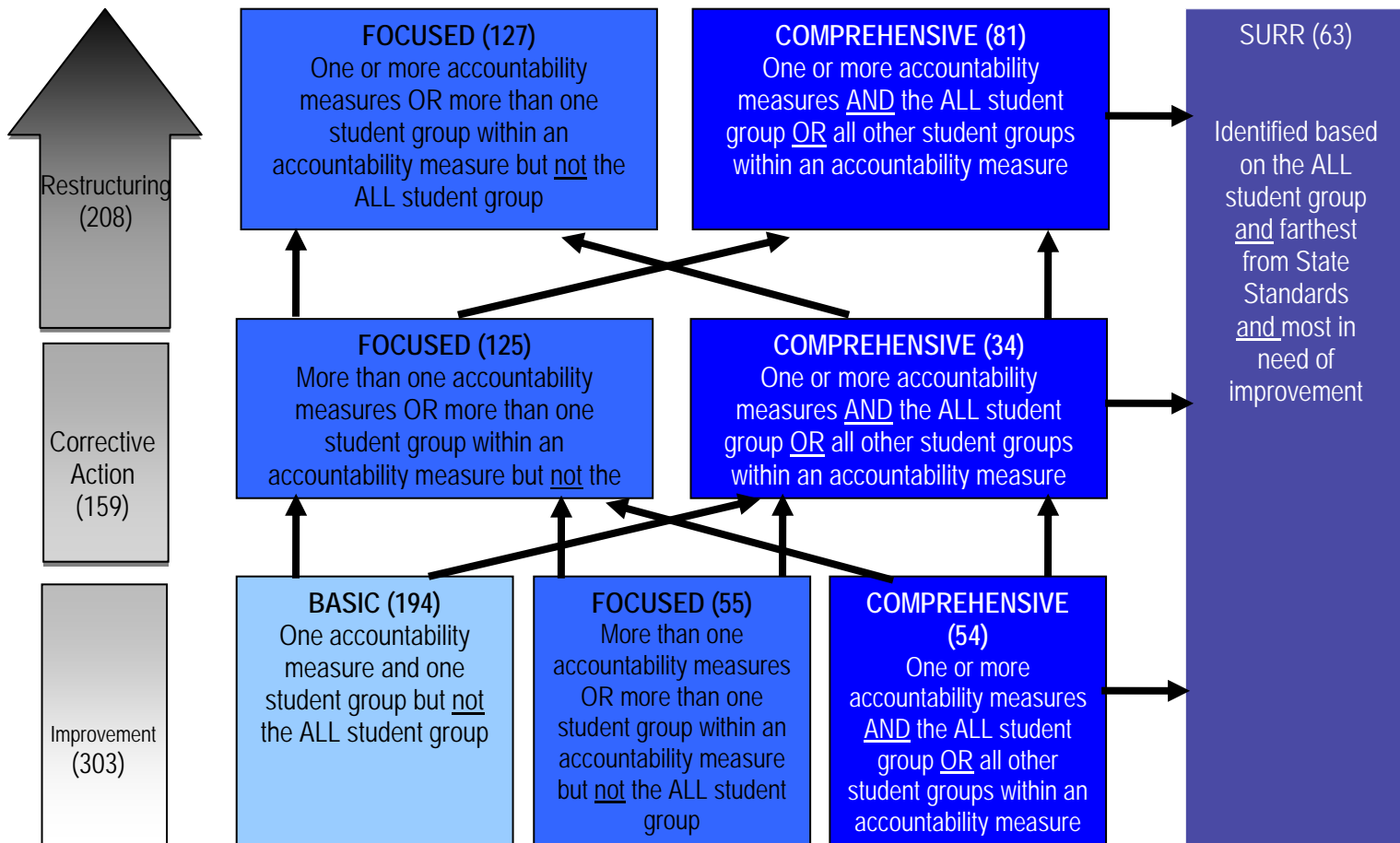
- 1) if a school in the *Improvement* phase or in the first year of *Corrective Action* phase is then identified as a SURR, the school will undergo a Registration Review and be subject to all of the interventions related to SURR. If it does not make AYP after two years it will automatically be moved to *Restructuring Comprehensive* and a JIT and a DE will be assigned.
- 2) if a school in the second year of the *Corrective Action* phase or in the *Restructuring* phase is identified as a SURR, the school will be placed in the *Restructuring Comprehensive* phase. The school will be assigned a JIT and a DE and is subject to all of the interventions related to SURR. The SURR school will remain *Restructuring Comprehensive* until it meets its SURR targets or is recommended for phase-out or closure.
- 3) if a school enters the *Restructuring* phase and it has continuously failed to make AYP for six or more consecutive years a DE or JIT may recommend that the school be phased-out or closed to ensure that a failing school does not continue to operate.

SED will continue encouraging districts to be proactive in addressing instances where schools are failing to perform rather than wait for State interventions to be imposed. As a result of New York’s strong accountability program, districts have increasingly made the decision to close schools even before SED identifies them for Registration Review or requires them to close as a result of the SURR or the restructuring process. New York City, for example, since the enactment of NCLB has closed or begun to phase-out over 80 schools. Last school year, districts agreed to close eight SURR schools and to close an additional five schools so as to avoid their designations as SURRs. It should also be pointed out that most SURR schools are successful at improving student performance. Currently there are 163 former SURRs, excluding schools in the process of closing, of which 79 are in “Good Standing” on all accountability

measures. SED will continue to provide intensive interventions that have proved successful for this category of schools.

Figure 2:

Proposed Phases and Categories of School Improvement 2009-2010



The intensity of interventions increases as the categories progress through the phases.

4.3 Has the state provided a description and detailed examples of how schools could move between different categories and phases of improvement?

Response 4.3:

Schools will move between phases of school improvement based upon failure to make AYP for two years on the accountability measure for which they were identified for improvement. Within each two year phase of improvement, schools are further differentiated into the categories of *Basic*, *Focused* or *Comprehensive* according to the number of accountability measures and subgroups not making AYP (See Table 2). These schools will immediately begin the appropriate interventions that are aligned with their category.

When a school enters the next phase of improvement, the category will be determined by the accountability measures and student groups not making AYP. Thus a school that was in *Improvement Focused* may move to either the *Focused* or *Comprehensive* category upon entry into the *Corrective Action* phase. The *Basic* category exists only for the *Improvement* phase. In addition, schools that enter *Restructuring* in the *Focused* category may move to the *Comprehensive* category if the school meets the criteria for placement in that category (See Table 2).

When a school in Year 1 of a phase fails to make AYP with a different group of students (For example: the school failed to make AYP in just one student group in year 1 while in year 2 the school failed to make AYP in the ALL student group OR Year 1 the school failed to make AYP in three student groups while in Year 2 it failed AYP in just one student group) the category with the more intense intervention determines what the school must do. In no case will a school be allowed to lessen the magnitude of its intervention once a phase of intervention has begun. Some examples include the following:

EXAMPLE 1:

A school was identified as *Improvement Basic* for failing to make AYP in one accountability measure, Grade 3-8 ELA, with the Black student group in Year One. In Year Two the school fails to make AYP on one accountability measure, Grade 3-8 ELA, but for the Hispanic and low-income student groups. It will be required to modify its plan to target interventions to the Black, Hispanic and low-income student groups for Grade 3-8 ELA.

EXAMPLE 2:

A school was identified as *Improvement Basic* for failing to make AYP on one accountability measure, Grade 3-8 ELA, with the LEP student group in Year One. In Year Two the school failed to make AYP in Grade 3-8 ELA and Grade 3-8 mathematics with the LEP student group. It will be required to modify its plan to target interventions to the LEP student group for Grade 3-8 in both ELA and mathematics.

EXAMPLE 3:

A school that is configured grades 6-12 was identified as *Improvement Basic* for failing to make AYP on one accountability measure, Grade 3-8 ELA, with the students with disabilities (SWD) student group in Year One. In Year Two the school fails to make AYP on two accountability measures, Grade 3-8 ELA and Grade 9-12 ELA with the SWD student group. It will be required to modify its plan to target interventions to the SWD student group for ELA in both Grade 3-8 and 9-12.

EXAMPLE 4:

An *Improvement Comprehensive* school makes AYP with all groups in Year One. The school is still required to implement the interventions associated with the *Comprehensive* category in Year Two.

Schools in *Improvement* and *Corrective Action* phases may progress to *Restructuring* if they continue to fail to make AYP. Once in *Restructuring*, they will again be differentiated into *Focused* and *Comprehensive* based on the numbers of accountability measures and student groups identified.

CORE PRINCIPLE 5: TRANSITION

5.1 How does the differentiated accountability model consider the current status of a school (e.g., how will a school transition from corrective action in 2007-08 to a new phase under the differentiated accountability model in without starting over in the intervention timeline)?

Response 5.1:

Phases

Schools new to accountability status in 2009-2010 will enter the first phase of improvement in the differentiated accountability model. Schools that have been identified previous to 2009-2010 will transition from their current accountability status into one of the three phases of the differentiated accountability model without starting over in the intervention timeline. The number of years that a school has failed to make AYP and the school's 2008-2009 accountability status will determine the phase of improvement that the school will enter in 2009-2010.

Both the current and the proposed models are based on the number of years that a school has failed to make AYP. The design of the new model is based on practices shown to be effective in the current model. The phases of improvement in the proposed model complement those currently in practice and therefore, support a seamless, smooth transition.

Further, because the proposed differentiated accountability model is based on the premise that schools require time to implement meaningful strategies, each phase has a two year cycle. Schools that are already in an accountability phase will be required to continue with the implementation of their current intervention for one additional year as modified to reflect any new accountability measures or student groups in which the school has failed to make AYP. (For example: schools that were SINI 1 in 2008-2009 and failed to make AYP in 2008-2009 will enter the new model in the *Improvement* phase, be placed in one of the three categories, and be required, in 2009-2010 to implement Year 2 of their school improvement plan, as modified to address any new areas of identification.)

Schools that in 2008-2009 have failed twice to make AYP within a phase will move along the continuum to the next phase of improvement (*Improvement* → *Corrective Action* → *Restructuring*) and will be required to immediately implement the corresponding intervention. (For example: A SINI 2 school in 2008-2009 that failed to make AYP in its area of identification will move to the *Corrective Action* phase in 2009-2010 be placed in the *Focused* or *Comprehensive* category and will immediately conduct a curriculum audit depending on its category of intervention.) A school that made AYP in 2008-2009 will continue to implement the intervention that has demonstrated success and, in 2009-2010, will not be required to implement a new intervention. (For example: A school that was Corrective Action 2/Planning for Restructuring in 2008-2009 and made AYP will in 2009-2010 continue implementation of the plan that was being implemented in 2008-2009 that enabled it to make AYP.)

Given the State's limited resources and the human resources required to implement the interventions within the *Restructuring* phase, the assignment of a JIT and a DE will be phased in over a two year period. In 2009-2010, schools newly entering *Restructuring* or those that have completed a three year restructuring plan, have failed to make AYP in 2008-2009, and are not in the process of being closed or phased out will immediately be assigned a JIT, which may include a DE. Schools that are in second or third year of implementing their three-year restructuring plan will continue to implement their plans in 2009-2010. If these schools do not make AYP in 2009-2010, they will be assigned a JIT, which may include a DE in 2010-2011.

Categories

The number of accountability measures and student groups not making AYP will determine the newly identified school's appropriate category: *Basic, Focused, or Comprehensive*. See Table 2. These schools will immediately begin the appropriate interventions that are aligned with their category.

Schools that have been identified prior to 2009-2010 must first be placed into the appropriate phase before its category is identified. Once a school enters a phase it will be assigned a category and interventions will immediately begin.

Those that transition to the new system in year two of a phase will be required to continue the intervention that was initiated in 2008-2009. (For example: SINI 1 schools that were identified previous to the new system were required to develop an improvement plan following a School Quality Review (SQR); as the school enters year 2 of the improvement phase, it will be granted time to implement the plan. The SQR that was conducted will be implemented. A second SQR will not take place.)

When a school enters the next intensive phase, the accountability measures and student groups for which the school has been identified will determine its category. The category is re-established upon entry into each two-year phase. Thus a school that was in the *Focused* category in the *Improvement* phase may move to either the *Focused* or *Comprehensive* category for *Corrective Action*. In addition, schools that enter *Restructuring* in the *Focused* category will be moved to the *Comprehensive* category if the school meets the criteria for placement in that category.

Each school will be transitioned to and implement the new requirements by the completion of the 2010-2011 school year.

Table 3: Transition Into Differentiated Accountability **

| Status and Intervention in 2008-2009 | AYP in 08-09 | Status in 2009-2010 with the Differentiated Accountability Model | AYP in 09-10 | Status in 2010-2011 with the Differentiated Accountability Model |
|---|---------------------|--|---------------------|--|
| 1 year no AYP
No intervention | No | Improvement 1
Basic (B), Focused (F) or
Comprehensive (C)

SQR review/team assigned
SES instead of PSC* | Yes | Improvement 1:
B, F, C continued
School continues to implement its plan

SES instead of PSC* |
| 1 year no AYP
No intervention | No | Improvement 1
Basic (B), Focused (F) or
Comprehensive (C)

SQR review/team assigned
SES instead of PSC* | No | Improvement 2:
B, F, C continued

Plan revised as necessary
SES and PSC* |
| SINI 1/SRAP 1
SQR | Yes | Improvement 1: B, F, or C

Implement plan from 08-09
Elect to offer SES instead of PSC* | Yes | Exit |
| SINI 1/SRAP 1
SQR | Yes | Improvement 1: B, F, or C

Implement plan from 08-09
Elect to offer SES instead of PSC* | No | Improvement 2: B, F C continued

Plan revised as necessary
SES and PSC* |
| SINI 1/SRAP 1 | No | Improvement 2: B, F, or C | No | Corrective Action: F or C |

| Status and Intervention in 2008-2009 | AYP in 08-09 | Status in 2009-2010 with the Differentiated Accountability Model | AYP in 09-10 | Status in 2010-2011 with the Differentiated Accountability Model |
|---|---------------------|---|---------------------|--|
| SQR | | Implement modified plan from 08-09 SES and PSC* | | Curriculum Audit SES and PSC* |
| SINI 1/SRAP 1 SQR | No | Improvement 2 B, F, or C

Implement modified plan from 08-09 SES and PSC* | Yes | Improvement 2, B, F, C continued

Implement Plan from 09-10 SES and PSC* |
| SINI 2/SRAP 2 SQR | Yes | Improvement 2, B, F, or C

Implement plan from 08-09 SES and PSC* | Yes | Exit |
| SINI 2/ SRAP 2 SQR | Yes | Improvement 2, B, F, or C

Implement plan from 08-09 SES and PSC* | No | Corrective Action F or C

Curriculum Audit SES and PSC* |
| SINI 2/SRAP 2 SQR | No | Corrective Action 1 F or C

Curriculum Audit SES and PSC* | No | Corrective Action 2

Implement Modified Corrective Action (CA) Plan SES and PSC* |
| SINI 2/SRAP 2 | No | Corrective Action 1 F or C

Curriculum Audit SES and PSC* | Yes | Corrective Action 1

Continue to Implement CA Plan SES and PSC* |
| Corrective Action 1/SRAP 3 | Yes | Corrective Action 1 F or C

Implement plan from 08-09 SES and PSC* | Yes | Exit |
| Corrective Action 1/SRAP 3 | Yes | Corrective Action 1 F or C

Implement plan from 08-09 SES and PSC* | No | Corrective Action 2 F or C

Modified CA Plan SES and PSC* |
| Corrective Action 1/SRAP 3 | No | Corrective Action 2 F or C

Modified CA Plan SES and PSC* | No | Restructuring F or C

JIT, possible DE** SES and PSC* |
| Corrective Action 1/SRAP 3 | No | Corrective Action 2 F or C

Modified CA Plan SES and PSC* | Yes | Corrective Action 2 F or C

Continue to Implement CA Plan SES and PSC* |
| Corrective Action 2/SRAP 4 | Yes | Corrective Action 2 F or C

Implement plan from 08-09 SES and PSC* | Yes | Exit |
| Corrective Action 2/SRAP 4 | Yes | Corrective Action 2 F or C

Implement plan from 08-09 SES and PSC* | No | Restructuring F or C

JIT, possible DE** SES and PSC* |
| Corrective Action 2/SRAP 4 | No | Restructuring F or C

JIT, possible DE** | No | Restructuring F or C

Implement Restructuring Plan; Possible closure |

| Status and Intervention in 2008-2009 | AYP in 08-09 | Status in 2009-2010 with the Differentiated Accountability Model | AYP in 09-10 | Status in 2010-2011 with the Differentiated Accountability Model |
|--------------------------------------|--------------|--|--------------|--|
| | | SES and PSC* | | plan
JIT, possible DE**
SES and PSC* |
| Corrective Action 2/SRAP 4 | No | Restructuring F or C

JIT, possible DE**
SES and PSC* | Yes | Restructuring F or C

Continue to Implement Restructuring Plan
JIT, possible DE**
SES and PSC* |
| Restructuring 1, 2/SRAP 5, 6 | Yes | Restructuring F or C

Continue Implementing Restructuring Plan
SES and PSC* | Yes | Exit |
| Restructuring 1, 2/SRAP 5, 6 | Yes | Restructuring F or C

Continue Implementing Restructuring Plan
SES and PSC* | No | Restructuring F or C

JIT, possible DE**
Possible Closure Plan
SES and PSC* |
| Restructuring 1, 2/SRAP 5, 6 | No | Restructuring F or C

Modified Restructuring Plan
SES and PSC* | No | Restructuring F or C

JIT, possible DE**
Possible Closure Plan
SES and PSC* |
| Restructuring 1, 2/SRAP 5, 6 | No | Restructuring F or C

Modified Restructuring Plan
SES and PSC* | Yes | Restructuring F or C

Continue Implementing Restructuring Plan
SES and PSC* |
| Restructuring 3 /SRAP 7 | Yes | Restructuring F or C

Continue Implementing Restructuring Plan
SES and PSC* | Yes | Exit |
| Restructuring 3 /SRAP 7 | Yes | Restructuring F or C

Continue Implementing Restructuring Plan
SES and PSC* | No | Restructuring F or C

JIT and DE
Possible Closure Plan
SES and PSC* |
| Restructuring 3 /SRAP 7 | No | Restructuring F or C

JIT, possible DE**
Possible Closure Plan
SES and PSC* | No | Implement restructuring or phase out, closure based on JIT/DE Plan
SES and PSC* |
| Restructuring 3 /SRAP 7 | No | Restructuring F or C

JIT , possible DE**
Possible Closure Plan
SES and PSC* | Yes | Continue to Implement DE Plan
SES and PSC* |
| Restructuring 4+ /SRAP 8+ | Any | Restructuring F or C | Any | Implement Plan
JIT, possible DE** |

| Status and Intervention in 2008-2009 | AYP in 08-09 | Status in 2009-2010 with the Differentiated Accountability Model | AYP in 09-10 | Status in 2010-2011 with the Differentiated Accountability Model |
|--------------------------------------|--------------|--|--------------|--|
| | | JIT, possible DE**
Possible Closure Plan
SES and PSC* | | SES and PSC |

* SES and PSC for Title I schools only

**Chapter 57 of the Laws of 2007 provides the Commissioner with the discretion to appoint a Distinguished Educator (DEs) to schools in these categories. Under this plan, DEs will be assigned by 2010-2011 to all schools in the *Restructuring Comprehensive* category that fail to make AYP and are not implementing a closure or phase out plan.

5.2 How will the state ensure students participating in public school choice (PSC) and supplemental educational services (SES) during the school year continue to have those options available to them during the transition, even if they would not be eligible under the state’s proposed differentiated accountability model?

Response 5.2:

Newly identified schools will provide supplemental educational services (SES) instead of public school choice (PSC) in their first year of identification. This has no effect on students currently participating in SES. Schools that were SINI 1 in 2008-2009 and made AYP in 2008-2009 may offer students either SES or PSC in 2009-2010. All students receiving SES during the 2008-2009 school year will continue to be eligible to receive SES in 2009-2010 and beyond so long as they remain enrolled in the school that made them eligible to participate in SES and the school remains identified for improvement. All students who prior to the 2009-2010 were enrolled in a school as the result of participating in PSC may choose to remain enrolled in such school until they graduate from the school.

CORE PRINCIPLE 6: TRANSPARENCY OF DIFFERENTIATION AND INTERVENTIONS

6.1 How has the state ensured that the process for differentiation is data-driven and accessible to the public?

Response 6.1:

New York’s process for differentiation will continue to be data driven, understandable and accessible to the public. Under the new differentiated accountability model, pursuant to NCLB Section 1111(h)(2), 20 U.S.C. section 6311(h)(2), New York State will continue to produce annual report cards* showing the performance of all districts and public schools in the State on each accountability measure and participation rate on each accountability assessment. The process for differentiation of schools into phases and categories is determined by the number of years that a school fails to make AYP in ELA, mathematics, science or graduation rate and by the number of accountability measures and student groups for which a school has failed to make AYP.

The new differentiated accountability model will be presented to the public in terms that are already familiar and easily explained (for example: AYP, subgroups, accountability measures). The figures and tables within this proposal will be used to facilitate the explanation. Technical assistance sessions to familiarize school personnel, parent representatives, and other interested parties with the new system will be conducted throughout the State. The phase and category of intervention for each identified school will be explicitly provided on each school report card. As proposed, the interventions and categories within the new differentiated accountability model will make the system more transparent. By classifying a school within both a phase and a category of intervention, the system makes clear to the public at a glance both the length of time the failure has persisted and the degree of systemic failure. By combining State

and federal accountability classifications, the system eliminates a distinction that has caused confusion in the field.

*Report cards are available to the public at <http://www.emsc.nysed.gov/irts/reportcard/2006/home.shtml>
In addition, New York State produces a report card for every LEA (district) and every public school, in accordance with 8 NYCRR§100.2(m), which satisfies the requirements of Section 1111(h)(2), . 20 U.S.C. section 6311(h)(2).

SECTION III: INTERVENTIONS

CORE PRINCIPLE 7: INTERVENTION TIMELINE

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|---|
| 7.1 Has the state established a comprehensive system of interventions and clearly described how the interventions relate to the academic achievement of the schools? |
|---|

Response 7.1:

As described in 4.1 and 4.2, New York State’s differentiated accountability model creates three distinct phases of improvement that are based on the number of years a school fails to make AYP: *Improvement*, *Corrective Action* and *Restructuring*. The depth, scope and comprehensiveness of the intervention and primary provider of support, oversight and intervention vary by phase and category as a school moves from one phase to the next. Within each phase, a school utilizes the findings of a specific diagnostic and/or support (School Quality Review, Curriculum Audit, and a JITor DE) to create and implement a school improvement plan. See 8.1 for detailed description and specifics of each intervention.

The three phases are further differentiated into three categories (differentiated by the number of accountability measures and student groups not making AYP): *Basic* (for the *Improvement* Phase only), *Focused and Comprehensive*. Each category is determined by the degree to which there has been systemic failure of groups of students to make AYP. The following provides details of what schools in the proposed phases and categories would be required to do and what the role of the district would be as the school progresses on the school improvement continuum:

Phase 1- IMPROVEMENT

- **Basic** schools are those *Improvement* schools that have failed to make AYP on one accountability measure for one student group, but not the ALL student group. These schools meet the requirement for developing a school improvement plan after undertaking a self-assessment through SED’s School Quality Review (SQR) process using the Quality Indicators (QI) document. An SQR team is assigned for technical assistance. SED trains the district staff in the SQR process and the use of the QI document. The two-year improvement plan addresses the results of the self-assessment and includes a description of activities and timeline for implementation targeting the performance of the student group and accountability measure for which the school has been identified. Oversight and support of the plan is primarily a district responsibility with technical assistance provided by SED. SED will encourage USNY institutions to support the district to ensure the implementation of the plan.

In Title I schools, SES is provided in Year 1 to low-income, non-proficient students at a minimum, with a district option to provide SES to all non-proficient students. In Year 2, SES as described for Year 1 is provided. Public school choice (PSC) is provided for all students.

- **Focused** schools are those *Improvement* schools identified for more than one accountability measure OR more than one student group within an accountability measure but not the ALL student group. These schools meet the requirement for developing a two-year school improvement plan after undertaking a self-assessment through SED’s SQR process using the QI

document prior to an on-site review. This on-site SQR review is conducted by the SQR team focusing on the accountability measure(s) and student groups identified. The district is represented on the SQR Team and is responsible for paying the reasonable and necessary costs of the Team. The improvement plan addresses one or more NCLB improvement plan requirements, in accordance with the written report that is issued after the SQR Teams' on-site review. The plan is approved by the district and is subject to SED review. The district is primarily responsible for oversight and support of the implementation of the plan. SED will encourage USNY institutions to support the district to ensure the implementation of the plan.

In Title I schools, SES is provided in Year 1 to low-income, non-proficient students at a minimum, with a district option to provide SES to all non-proficient students. In Year 2, SES is provided, as described for Year 1. PSC is provided for all students.

- **Comprehensive** schools are those *Improvement* schools identified for one or more accountability measures and the ALL student group or for all other student groups within an accountability measure. These schools meet the requirement for developing a school improvement plan after undertaking a self-assessment through SED's SQR process using the QI document prior to an intensive on-site review. This intensive on-site SQR review is conducted by the SQR team focusing on systemic issues of the whole school. The district is represented on the SQR Team and is responsible for paying the reasonable and necessary costs of the team. A report with written recommendations is issued following the review. The SQR Team may make a recommendation that the school engage the services of a content area consultant. The two-year improvement plan will address all NCLB school improvement plan requirements, as informed by the recommendations of the SQR review. The plan is approved by the district and is subject to SED review. The district and SQR Team are responsible for oversight and support of the implementation of the plan. SED will encourage USNY institutions to support the district to ensure the implementation of the plan.

In Title I schools, SES is provided in Year 1 to all low-income students with the district option of serving all non-proficient students. In Year 2, SES as described for Year 1 is provided. PSC is provided for all students.

| |
|--|
| IF A SCHOOL FAILS TO ACHIEVE AYP FOR TWO YEARS, IT MOVES TO THE CORRECTIVE ACTION PHASE |
|--|

Phase 2- CORRECTIVE ACTION

- **Focused** schools are those *Corrective Action* schools identified for one or more accountability measures OR more than one student group within an accountability measure but not the ALL student group. These schools meet the requirement for developing a school improvement plan, assisted by an SQR team, after undertaking a school-based Curriculum Audit targeting the identified accountability measures/student groups. Teachers, school administrators and the district staff assess the degree to which curriculum standards and best instructional practices are implemented at the classroom level. The audit also assesses the alignment of instruction to the NY State Learning Standards and assessments for the accountability measures/student groups identified as failing to make AYP for four or more years. The district is responsible for paying the reasonable and necessary costs of the Curriculum Audit, SQR team and, if assigned, a DE. The two-year Corrective Action Plan that is developed incorporates the findings of the Curriculum Audit, one additional, appropriate corrective action as per NCLB, and any other actions to be taken by the district. The plan is approved by the district and is subject to SED review. In addition, the district is responsible for identifying and providing supports required for implementation of the new curriculum as written and taught, including professional development.

The district and SQR Team provide oversight and support of the implementation of the plan. SED will actively seek USNY institutions to support the district to ensure the implementation of the plan.

In Title I schools, SES is provided to low-income, non-proficient students at a minimum, with district option to provide SES to all non-proficient students. PSC is provided for all students.

- **Comprehensive** schools are those *Corrective Action* schools identified for one or more accountability measures and the ALL student group or for all other student groups within an accountability measure. These schools meet the requirement for developing a school improvement plan, assisted by an SQR Team, after undertaking a comprehensive Curriculum Audit. An SQR team is assigned to assist. This audit assesses the alignment of instruction to the NY State Learning Standards and assessments focusing on all accountability measures identified for all students. Teachers, school administrators and district staff assess the degree to which curriculum standards and best instructional practices are implemented at the classroom level. The audit also assesses the alignment of instruction to the NY State Learning Standards and assessments for the accountability measures/student groups identified as not making AYP. The district is responsible for paying the reasonable and necessary costs of the Curriculum Audit, SQR team, and if assigned, a DE. The two-year Corrective Action Plan that is developed incorporates the findings of the Curriculum Audit, one additional, appropriate corrective action as per NCLB, and any other actions to be taken by the district. The district approves the plan, which is subject to SED review upon request. In addition, the district is responsible for identifying and providing supports required for implementation of the new curriculum as written and taught, including professional development. The district, SQR Team, and DE provide oversight and support of the implementation of the plan. SED will actively seek USNY institutions to support the district to ensure the implementation of the plan.

In Title I schools, SES is provided to all low-income students with the district option of serving all non-proficient students. PSC is provided for all students.

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| IF A SCHOOL FAILS TO ACHIEVE AYP FOR TWO YEARS, IT MOVES TO THE RESTRUCTURING PHASE |
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Phase 3- RESTRUCTURING

- **Focused** schools are those *Restructuring* schools identified for one or more accountability measures OR more than one student group within an accountability measure but not the ALL student group. These schools meet the requirement for developing a Restructuring Plan after being assigned a JIT to assess the education program and make recommendations. The membership of the JIT includes staff of the district, which is responsible for paying the reasonable and necessary costs of the JIT. The Restructuring Plan that is developed by the district with the recommendations of the JIT targets the accountability measure(s)/student groups identified. Additional restructuring actions may include phase-out/closure of the school. The district and/or the Commissioner approve the Plan. The district provides oversight and support of the plan, with SED assistance. SED will actively seek USNY institutions to support the district to ensure the implementation of a Restructuring plan or the creation of new learning environments for students.

In Title I schools, SES is provided to low-income students with priority to non-proficient students and the district option to provide SES to all non-proficient students. PSC is provided for all students.

- **Comprehensive** schools are those *Restructuring* schools identified for one or more accountability measures and the ALL student group or for all other student groups within an accountability measure. These schools will meet the requirement for developing a Restructuring or Phase-Out Plan after being assigned a JIT and a DE who will assess the education program and make recommendations that may include phase-out/closure. The district is responsible for paying the reasonable and necessary costs of the JIT and the DE. The Restructuring or Phase-Out/ Closure Plan that is developed is approved by the district and/or Commissioner. The District and DE provide oversight and support of the plan. The DE serves as an ex-officio member of the school board. All improvement plans are subject to review by the DE, who may make recommendations to the school board to modify the plan. The school board must revise the plan as recommended by the DE, unless the school board receives permission from the Commissioner to not implement a recommendation of the DE. SED will actively seek USNY institutions to support the district to ensure the implementation of the Restructuring plan or the creation of new learning environments for students.

In Title I schools, SES is provided to low-income students, with priority to non-proficient students with the district option to provide SES to all non-proficient students. PSC is provided for all students.

Within all of the new Phases of school improvement is a subset of schools that are farthest from State standards and most need of improvement, i.e., SURR as described in 4.2. SURR are an integral part of the differentiated accountability model as they ensure that the lowest performing schools in the State that are most in need of improvement receive the most intensive support and intervention regardless of the phase the school is in at the time they are identified for review.

In the new differentiated accountability model:

- 1) If a school in the *Improvement* phase or in the first year of *Corrective Action* phase is then identified as a SURR, an SED staff member, i.e., SURR Liaison will be assigned to the school. An assessment of the educational program through a Registration Review is conducted by the Registration Review Team (the district is represented on the team) that is led by a District Superintendent. The Registration Review Team provides a written report and recommendations to be incorporated in the school and district improvement plans. SED approves and monitors these plans. Various other supports are available to these schools such as, the possible assignment of content standards and assessment consultant and participation in professional development for teachers and principals through SED's Reading and Mathematics Institute and Leadership Institute. If the school does not make AYP after two years, it will automatically be moved to *Restructuring Comprehensive* and a JIT and a DE will be assigned.
- 2) If a school in the second year of the *Corrective Action* phase or in the *Restructuring* phase is identified as a SURR, the school will be automatically placed in the *Restructuring Comprehensive* phase. The school will be assigned a JIT and a DE, will undergo Registration Review, and will be subject to all of the interventions related to SURR as outlined above.
- 3) If a school enters the *Restructuring* phase and it has continuously failed to make AYP for six or more consecutive years a DE or JIT may recommend that the school be phased-out or closed to ensure that a failing school does not continue to operate.

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| <p>7.2 Has the state explained how its proposed differentiated accountability system of interventions aligns with and builds on current state interventions?</p> |
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Response 7.2:

The table that follows illustrates how New York's proposed accountability system of interventions aligns with, builds on and expands the current State interventions.

Table 4: Current and Proposed Classifications and Requirements/Interventions for All Schools

| Years Missed AYP | CURRENT Classifications and Requirements | | PROPOSED New Classifications and Requirements |
|------------------|---|---|--|
| | Title I | Non-Title I | All Schools |
| 2 | <p><u>SINI – 1</u></p> <ul style="list-style-type: none"> • Improvement Planning/ Implementation • Choice • Professional Development (10%) • School Quality Review (SQR) Team assigned | <p><u>SRAP-1</u></p> <p>Improvement Planning/ Implementation</p> | <p><u>IMPROVEMENT</u></p> <p><u>Basic</u> – identified for one accountability measure and one student group but not the ALL student group</p> <ul style="list-style-type: none"> • Self-assessment of the educational program through the SED School Quality Review (SQR) using the Quality Indicator (QI) document • Focus of the SQR is on the accountability measure and student group identified • SED trains districts in the SQR process and use of QI document • School develops a two-year improvement plan based on self-assessment results that includes description of activities and timeline for implementation for the accountability measure/subgroup identified • District approves an improvement plan according to SED established parameters; the improvement plan is subject to SED review upon request • School implements the plan and makes changes as necessary based on student achievement data • District provides oversight and support of the plan • In Year 2 , if the school fails to make AYP with a different group of students the category with the more intense intervention determines what the school must do. The school will be required to modify its plan to target interventions for additional measures/student groups identified. • <i>Title I only:</i> <ul style="list-style-type: none"> ○ Year 1- SES to all low-income students at a minimum, with district option to provide SES to all non-proficient students ○ Year 2 – SES as above plus Public School Choice(PSC) for all students <p><u>Focused</u>- identified for more than one accountability measure OR more than one student group within an accountability measure but not the ALL student group</p> <ul style="list-style-type: none"> • SED trains districts in the SQR process and use of QI document • Self-assessment of the educational program through the SED SQR process using the QI document • On-site review by SQR Team (includes District representation) focusing on accountability measure(s)/student groups that did not make AYP (District responsible for paying the reasonable and necessary costs for the SQR Team) • School develops two-year improvement plan that addresses one or more NCLB school improvement plan requirements, in accordance with the written report that is issued after the SQR Team's on-site review • District approves the Plan, subject to SED review upon request • District provides oversight and support of the Plan • In Year 2 , if the school fails to make AYP with a different group of students the category with the more intense intervention determines what the school must do. The school will be required to modify its plan to target interventions for additional measures/student groups identified. • <i>Title I schools only:</i> <ul style="list-style-type: none"> ○ Year 1- SES to all low-income students at a minimum, with district option to provide SES to all non-proficient students ○ Year 2 – SES as above plus PSC for all students |
| 3 | <p><u>SINI – 2</u></p> <ul style="list-style-type: none"> • Improvement Planning/Implementation • Choice and SES • Professional Development (10%) • SQR Team assigned | <p><u>SRAP-2</u></p> <p>Improvement Planning/Implementation</p> | |

| Years Missed AYP | CURRENT Classifications and Requirements | | PROPOSED New Classifications and Requirements |
|------------------|---|--|---|
| | | | <p>Comprehensive – identified for one or more accountability measures and the ALL student group or for all other student groups within an accountability measure</p> <ul style="list-style-type: none"> • Self-assessment of the educational program through the SED SQR using the QI document • SED trains districts in the SQR process and use of QI document • Intensive on-site review by SQR Team (includes District representation) focusing on systemic issues of the whole school with written recommendations issued following review (District responsible for paying the reasonable and necessary costs for the SQR Team) • After the review, the SQR team may make a recommendation that the school engage the services of a content area consultant • School will develop a two-year school improvement Plan that addresses all NCLB school improvement plan requirements, as informed by the recommendations of the SQR Team • District approves Plan, subject to SED review upon request • District and SQR Team provides oversight and support of the Plan • In Year 2, if the school fails to make AYP with a different group of students the category with the more intense intervention determines what the school must do. The school will be required to modify its plan to target interventions for additional measures/student groups identified. • <i>Title I schools only:</i> <ul style="list-style-type: none"> ○ Year 1- SES to all low-income students, with the district option of serving all non-proficient students ○ Year 2 – SES as above plus PSC for all students |
| | | | <p>IF A SCHOOL FAILS TO ACHIEVE AYP FOR TWO YEARS, IT MOVES TO <u>CORRECTIVE ACTION</u></p> |
| 4 | <p>Corrective Action-Year 1*</p> <ul style="list-style-type: none"> • Improvement Planning/Implementation • Choice and SES • SQR Team assigned Corrective Action | <p>SRAP-3*</p> <ul style="list-style-type: none"> • Improvement Planning/Implementation • Possible Assignment of a DE | <p>CORRECTIVE ACTION</p> <p>Focused - identified for one or more accountability measures OR more than one student group within an accountability measure but not the ALL student group</p> <ul style="list-style-type: none"> • Assessment of the educational program through a Curriculum Audit focusing on the identified accountability measures and student groups (District responsible for paying the reasonable and necessary costs of SQR team and DE) |
| 5 | <p>Corrective Acton Year 2/ Planning for Restructuring*</p> <ul style="list-style-type: none"> • Choice and SES • SQR Team assigned, possible DE • Implement Corrective Action Plan for Restructuring | <p>SRAP-4*</p> <ul style="list-style-type: none"> • Improvement Planning/Implementation • Possible Assignment of a DE | <ul style="list-style-type: none"> • Development of a two-year Corrective Action Plan, which includes the findings of the Curriculum Audit and any other actions to be taken by the District • District approves Plan, subject to SED review upon request • District responsible for identifying and providing supports required to implement the new curriculum as written and taught, including professional development • District selects one additional, appropriate corrective action as per NCLB for the school to implement • District and SQR Team provide oversight and support of the Plan • In Year 2, if the school fails to make AYP with a different group of students the category with the more intense intervention determines what the school must do. The school will be required to modify its plan to target interventions for additional measures/student groups identified • <i>Title I schools only:</i> <ul style="list-style-type: none"> ○ SES to all low-income students at a minimum, with district option to provide SES to all non-proficient students |

| Years Missed AYP | CURRENT Classifications and Requirements | | PROPOSED New Classifications and Requirements |
|------------------|---|--|--|
| | | | <ul style="list-style-type: none"> ○ <i>PSC for all students</i> <p>Comprehensive - identified for one or more accountability measures and the ALL student group or for all other student groups within an accountability measure</p> <ul style="list-style-type: none"> • Assessment of the educational program through comprehensive Curriculum Audit focusing on all accountability measures identified (District responsible for paying the reasonable and necessary costs of SQR team and DE) • Development of a Corrective Action Plan, which includes the findings of the Curriculum Audit and actions to be taken by the District • District approves Plan, subject to SED review upon request • District responsible for identifying and providing supports required to implement new curriculum as written and taught, including professional development • District selects one additional, appropriate corrective action as per NCLB for the school to implement • District and SQR Team provide oversight and support of the Plan • In Year 2, if the school fails to make AYP with a different group of students the category with the more intense intervention determines what the school must do. The school will be required to modify its plan to target interventions for additional measures/student groups identified. • <i>Title I schools only:</i> <ul style="list-style-type: none"> ○ <i>SES to all low-income students, with the district option of serving all non-proficient students</i> ○ <i>PSC for all students</i> |
| | | | <p><i>IF A SCHOOL FAILS TO MAKE AYP FOR TWO YEARS, IT MOVES TO <u>RESTRUCTURING</u></i></p> |
| 6+ | <p>Restructuring*</p> <ul style="list-style-type: none"> • Choice and SES • SQR • Restructuring • Joint School Intervention Team (JIT) (as of 2010) • Possible assignment of DE | <p>SRAP-5+</p> <ul style="list-style-type: none"> • Improvement Planning/Implementation • Possible assignment of DE | <p>RESTRUCTURING</p> <p>Focused - identified for one or more accountability measures OR more than one student group within an accountability measure but not the ALL student group</p> <ul style="list-style-type: none"> • Assessment of the educational program by Joint Intervention Team (JIT) (District responsible for paying the reasonable and necessary costs of Team), which includes District membership-Year 1 • Two-year Restructuring Plan developed by the district (with JIT recommendations) targeting the accountability measure(s) and student groups identified • Additional restructuring actions may include phase-out/ closure of the school • District and/or Commissioner approve the plan • District provides oversight and support of the plan, with SED assistance • <i>Title I schools only:</i> <ul style="list-style-type: none"> ○ <i>SES to all low-income students, with the district option of serving all non-proficient students</i> ○ <i>PSC for all students</i> <p>Comprehensive- – identified for one or more accountability measures and the ALL student group or for all other student groups within an accountability measure</p> <ul style="list-style-type: none"> • Assessment of the educational program by the JIT and Distinguished Educator(DE) (reasonable and necessary expenses |

| Years Missed AYP | CURRENT Classifications and Requirements | PROPOSED New Classifications and Requirements |
|------------------|--|---|
| | | <p>of Team and DE paid by the District) with recommendations that may include phase-out/closure- Year 1</p> <ul style="list-style-type: none"> • Restructuring or Phase-Out/Closure Plan developed • District and/or the Commissioner approve the plan • District and the DE provide oversight and support of the plan • <i>Title I schools only:</i> <ul style="list-style-type: none"> ○ SES to all low-income students, with the district option of serving all non-proficient students ○ <i>PSC for all students</i> |
| | <ul style="list-style-type: none"> • <u>Schools Under Registration Review (SURR)</u> (Schools farthest from State standards and most in need) • SED SURR Liaison assigned • Registration Review • Improvement Planning/Implementation Both school and district • Participation in Reading and Mathematics Institutes and Leadership program • Possible assignment of JIT and DE | <p><u>SCHOOLS UNDER REGISTRATION REVIEW</u></p> <p><u>SURR-</u> identified for one or more accountability measures, based on the performance of the ALL student group AND determined to be farthest from State standards and deemed most in need of improvement by the Commissioner</p> <ul style="list-style-type: none"> • SED staff member, i.e., SURR Liaison, assigned to every SURR • Assessment of the educational program through a Registration Review conducted by a Registration Review Team (including a District representative) led by a District Superintendent • Registration Review Team provides written report and recommendations to be incorporated into the school's and the district's school improvement plans • SED approves and monitors the implementation of the plans • Possible assignment of content standards and assessment consultants • Eligible to participate in SED Reading and Math Institutes • Assistance in building leadership capacity through the Harvard Leadership Program and Principal Leadership Institutes • After two years of not making AYP, the school is assigned a JIT and a DE with recommendations that may include phase-out/closure • <i>Title I schools only:</i> <ul style="list-style-type: none"> ○ <i>SES and PSC as per NCLB status</i> |
| | | <p style="text-align: center;"><i>NOTE: SURR SCHOOLS THAT FAIL TO SHOW IMPROVEMENT MAY BE ACCELERATED DIRECTLY TO <u>RESTRUCTURING STATUS</u></i></p> |

*Chapter 57 of the Laws of 2007 provides the Commissioner with the discretion to appoint a Distinguished Educator (DEs) to schools in these categories, although the Commissioner has not yet done so. Under this plan, DEs will be assigned by 2010-2011 to all schools in the *Restructuring Comprehensive* category that fail to make AYP and are not implementing a closure or phase out plan.

7.3 How does the state's model ensure that Title I schools and school districts identified for improvement that continue to miss AYP progress through an intervention timeline with interventions increasing in intensity over time?

Response 7.3:

Responses given in 7.1 and 7.2 outline a detailed system of accountability and interventions that apply to all schools. A school moves from one phase to the next phase when it fails to achieve AYP for two years. The rigor of the interventions as well as the intensity of district and SED oversight increases as the school moves from one phase to the next.

The model ensures that when a school in Year 1 of a phase fails to make AYP with a different group of students, the category with the more intense intervention determines what the school must do. The school will be required to modify its plan to target interventions for any other measure or student group identified. In no case will a school be allowed to lessen the magnitude of its intervention once a phase of intervention has begun.

7.4 How will the state and its school districts ensure that students in schools needing the most comprehensive interventions have access to teachers and principals with a demonstrated history of improving student achievement? How will the state and its school districts target resources to improve teacher and principal effectiveness?

Response 7.4:

The New York State Board of Regents has clear goals for teacher quality and comprehensive policies to emphasize the need for highly qualified teachers and principals, especially in low-performing schools. These goals and policies are focused on enhancing the quality of teachers and school environments in order to raise student achievement and close achievement gaps. The Regents goals and policies are closely aligned with teacher quality goals of the NCLB Act, i.e., to ensure that: (1) all classes in core academic subjects are taught by highly qualified teachers; and (2) low-income and minority children have the same access as all other children to appropriately certified, highly qualified and experienced teachers. New York State has made steady progress in its attempt to close the gap. Latest data indicate that the percent of core classes taught by highly qualified teachers has steadily increased from 92.1 percent in 2004-2005 to 94.5 percent in 2005-2006 to 95.7 percent in 2006-07.

The SED will continue to focus on closing the remaining gaps in teacher quality by:

- continuing to target State and regional resources to high need, low performing districts and schools and holding them accountable for results;
- continuing to measure and publicly report on progress in districts and schools to meet the goal of 100 percent highly qualified teachers. Districts that fail to meet the teacher quality Annual Measurable Objective (AMO) must submit a *Teacher Quality Improvement Plan* to SED that describes the specific steps the district and/or school will take to meet the AMO and ensure that poor and/or minority children are taught by highly qualified and experienced teachers at a rate comparable to that of other children;
- reviewing “highly qualified” data at the school level during annual comprehensive monitoring of districts, with a focus on school improvement schools;
- continuing to strengthen teacher preparation, certification, induction, ongoing professional development and retention strategies; and
- expanding effective partnerships between the State, public schools and districts, higher education, cultural institutions and the business community to support teacher quality in all LEAs and schools.

CORE PRINCIPLE 8: TYPES OF INTERVENTIONS

8.1 Has the state proposed interventions that are educationally sound and designed to promote meaningful reform in schools?

Response 8.1:

As described in Core Principles 4 and 7.1 and 7.2, New York State’s interventions are based on research-based practices and intensify as a school moves through the school improvement continuum. The depth, scope and comprehensiveness of intervention vary by phase and category as does the provider of support and oversight. District staff have a central role in this model as participants on the SQR Teams and in Curriculum Audits; as partners with SED and its agents as a member of a JIT; and in the final stage, as

implementers of the plans developed with the guidance of DEs for closing or fundamentally restructuring schools. New York is confident that its differentiated interventions are educationally sound and will provide meaningful reform in schools in order to have all students proficient in ELA and mathematics by 2013-2014. A description of the types of interventions for each phase and category is provided below. (See Figure 1 in the Executive Summary: **HOW NEW YORK'S DIFFERENTIATED ACCOUNTABILITY MODEL WILL WORK.**)

Types of Interventions

Phase 1- IMPROVEMENT

- **School Quality Review:** The School Quality Review (SQR) is a school improvement support and intervention strategy for low performing schools in New York State. SQR involves the development of a culture of review and ongoing improvement to guide schools and districts on a continuous journey of improvement. A research-based, reflective process is utilized to provide high need schools and districts with guidance on key factors that affect school success. The SQR process enables staff to participate in shared decision-making for the purpose of improving student achievement. SED conducts SQRs for schools in the *Improvement* phase that are in the *Basic*, *Focused*, and *Comprehensive* categories based upon the needs of the school as established in the criterion for identifying accountability measures and student groups as described in Core Principles 4.1., 4.2, 7.1 and 7.2. The type of review is differentiated for these groups - a portfolio of evidence review is conducted for *Basic* schools while an on-site review is conducted in *Focused* and *Comprehensive* schools. During the on-site review, the SQR Team members conduct building tours, classroom visits, and interviews of administrators and staff, and review relevant school or district documentation. The SQR Team also assesses the alignment of curriculum and instruction with the State Learning Standards and performance indicators for ELA and mathematics for the accountability measures/student groups identified. The length of time for the on-site review varies from two to three days for *Focused* to three days for *Comprehensive*.

The **SQR Team** is assigned to provide technical assistance and to train the district staff. The number of team members varies according to the differentiated *Improvement* category, i.e., *Basic*- at least two, *Focused*- three to five and *Comprehensive* -seven to nine. The Team includes a representative from the district who is familiar with the school's needs as well as other team members whose knowledge of school improvement and content areas will have a significant impact on assisting the school and district to develop a two-year improvement plan. The two-year improvement plan addresses the results of the self-assessment and includes a description of activities and timeline for implementation targeting the performance of the student group and accountability measure for which the school has been identified. The district approves the improvement plan according to the parameters established by the SED, and the plan is subject to SED review upon request. This district involvement is expected to increase ownership for the school improvement planning process as well as the implementation of the plan. The district is responsible for paying the reasonable and necessary costs of the SQR Team.

The self-assessment tool used by all schools in the SQR process is the **Quality Indicators (QI)** document. SED trains the district staff to use the QI document. This instrument is designed to assist administrators and staff in assessing their school's program. Administrators and staff use a four-point rating scale to rate their school in six categories: *Collection, Analysis, and Utilization of Data; Teaching and Learning; School Leadership; Infrastructure for Student Success; Professional Development; Facilities and Resources*. Each category consists of between four to nine specific review criteria that require responses to detailed information regarding school effectiveness. These categories correlate with the components necessary for schools to enable their students to achieve at a high level. In a statistical analysis report, *Monitoring School*

Quality: An Indicators Report, December 2000, the National Center for Education Statistics substantiated the importance of Quality Indicators on student learning. A supplementary SED guidance document entitled *Quality Indicators: Evidence to Look For* provides examples of the types of evidence that may be submitted by the school to substantiate their self-assessment.

As a result of three-day on-site review that takes place in an *Improvement Comprehensive* school, the SQR Team may make a recommendation that the school engage the services of a content area consultant to address systemic school improvement issues and the improvement of teaching and learning in the identified accountability measure(s) for all students. The district is responsible for the reasonable and necessary cost associated with this.

Phase 2- CORRECTIVE ACTION

- **Curriculum Audit:** The Curriculum Audit is a school-based improvement intervention that is used in the *Corrective Action* phase for those schools in both the *Focused* and *Comprehensive* categories. The Audit identifies how schools, designated as failing AYP for more than four years, have delineated, interpreted, aligned, articulated, and implemented the New York State Learning Standards for one or more accountability measures and student groups. The Curriculum Audit assesses the alignment of instruction in ELA, mathematics and/or science to the New York State Learning Standards indicators and assessments and whether instruction promotes student achievement. The district is an integral member of this review process and is responsible for identifying and providing supports required for implementation of the new curriculum as written and taught, including professional development. In addition, the district is responsible for paying the reasonable and necessary costs of the Curriculum Audit, SQR team and, if assigned a DE. The research-based recommendations are a guide for the district and school in the development of a Corrective Action Plan for improvement in each identified accountability measure.

Particular focus is placed on the plan of action for SWDs and LEPs, as appropriate. A comprehensive examination of the delivery of instruction for SWDs takes place, including how SWDs access the general education curriculum and how the educational experiences and outcomes may vary according to the setting where SWDs are served. Quantitative data on placement and achievement, teacher certification/experience, training opportunities, classroom observations, as well as data from focus groups with teachers and principals are collected. Analysis of these data assists the school to structure and implement a continuum of services for SWDs to maximize their success in the general education curriculum.

The purpose of the LEP component is to provide a synthesis of data from multiple perspectives regarding the school's curriculum, instruction, assessment, and student supports as they impact LEP students. Data collection activities to inform the review include teacher interviews with both ESL teachers and monolingual general education teachers who serve LEPs. Classroom observations; focus groups with parents; and a review of formal documents provide insight into the policies, plans, and procedures the school uses to ensure services to LEPs. Review parameters for the LEP component of the school audit are limited to instructional contexts and the primary program models for LEPs as defined by the school (e.g., transitional bilingual education, English as a second language, and/or dual language).

- **One Additional Corrective Action:** Based on the needs of the school, the district selects one additional appropriate NCLB corrective action:
 - replace school staff who are relevant to the failure to make AYP;
 - decrease management authority at the school;
 - appoint an outside expert to advise the school;

- extend the school day or school year; or
- restructure the internal organization of the school.

Phase 3- Restructuring

- **Joint Intervention Teams (JITs):** A school identified for *Restructuring* in the *Focused* and *Comprehensive* categories is assigned a JIT by the Commissioner to assist in the planning and restructuring requirement. The Team is composed of at least two members and is facilitated by a former or current education leader with extensive expertise and experience in school improvement work and in turning around low-performing schools. The district has representation on the JIT and all members of the JIT have expertise and/or certification in such areas as: school organization, leadership, curriculum content, assessment, instruction, special education, English as a second language and/or cultural relevancy. The district is responsible for paying the reasonable and necessary costs of the Team. The responsibilities of the JIT are to conduct a review of the school to guide the school’s planning and restructuring initiatives; gather information about the district and school by reviewing school documents; conduct structured walkthroughs, classroom observations; attend scheduled meetings (grade level, curriculum, special education, guidance, administrative) and conduct interviews/focused meetings with administrators, teachers, parents, students and other staff. The SED liaison and an assigned representative of the JIT will work approximately one day per month in each assigned building. This time includes at least one half day for direct work with the school and district plus time for debriefing, planning and reporting. Within 30 days of the JIT review, the Team develops an intervention plan with recommendations based on their observations, targeting the accountability measure(s) and student groups identified. Additional restructuring actions may be recommended and may include phase-out/closure of the school. The district and/or Commissioner approve the plan. Oversight and support of the plan is provided by the district with the assistance of SED.
- **Distinguished Educator (DE):** A school identified for *Restructuring* in the *Comprehensive* category is assigned a DE. The DE may be a member of the assigned JIT (see description above). DEs are empowered by the Commissioner to require rather than simply recommend change. After the assessment of the programs by the JIT and DE, recommendations are made that may include phase-out/closure. To the extent practicable, DEs must have experience working in districts and schools with similar demographics and difficulties as the district that they are assigned to assist. They are non-voting members of the school district board of education. The district is responsible for paying the reasonable and necessary expenses of the DE. A written plan is developed and the district and Commissioner approve the plan. The DE may recommend that a district modify its plan and the district must accept these modifications, unless the district receives the permission of the Commissioner to not implement the recommendations of the DE. Oversight and support of the plan is provided by the district and the DE. Responsibilities of the DE may include:
 - working in a maximum three school buildings to build school leadership;
 - working with the district administration and Boards of Education to review data, analyze school structures; plan for improvement; assist in targeting district priorities, as needed; and ensure increased student performance across the district;
 - developing a plan for the school within the first two months of their assignment and submit to SED and the district;
 - working collaboratively with the district and other support providers;
 - participating in ongoing professional development as directed by SED; and
 - overseeing the development of a closure/phase out plan for the school as well as the plan for replacing the school with a new learning environment.

Schools identified as **SURRs** that continue to fail to demonstrate progress toward improving student performance may be directly accelerated to Restructuring status as described in Core Principles 4.2, 7.1 and 7.2. SURR school are assigned an SED staff person, i.e., SURR Liaison, who works on-site with the school immediately after the school is identified, during the Registration Review, during the development and implementation of the plan and until the school makes its targets or phases-out or closes.

These SURR schools undergo an intensive, four to five-day on-site whole school review by the **Registration Review Team**. The Team is led by a District Superintendent and composed of eight to ten members including educators, parents and representation from the District of the school being reviewed. It includes members with expertise on the accountability measure(s) for which the school is identified as being farthest from State standards.

The assessment of the educational program includes the following: the quality of the curriculum instructional plans, teaching and learning opportunities, student support services and the organization and operation of the school through interviews with administrators, staff and parents and by school walk-throughs. Immediately following the week-long review, the SURR team publicly reports its findings to the school community. This ensures that building level staff, parents and community members are given immediate feedback to a situation that warrants swift action to address improving student performance. A written report of findings/recommendations to the superintendent and school board follows. The school and district incorporate the findings/recommendations into the school and district improvement plans. As a follow-up to the Registration Review, a content standards and assessment consultant may be assigned to the school. Professional development opportunities sponsored by SED, i.e., the Reading and Mathematics Institutes, Principal Leadership Institutes are available to SURR school. If a SURR fails to demonstrate progress under its plan, a JIT is appointed and, possibly a DE.

If a school enters the *Restructuring* phase and it has continuously failed to make AYP for six or more consecutive years a DE or JIT may recommend that the school be phased-out or closed. This intervention ensures that if a school continues to fail, it does not continue to operate.

8.2 How will the state align its resources to increase state and local capacity to ensure substantive and comprehensive support for consistently underperforming schools including plans to leverage school improvement funds received under section 1003(g) of the ESEA, and Title II funds to provide targeted intervention, particularly to those schools subject to the most intensive interventions?

Response 8.2:

Use of 1003(a) and 1003(g) Funds

New York State currently allocates Title I School Improvement funds 1003(a) to support the lowest achieving schools and those Local Education Agencies (LEAs) that demonstrate: (1) the greatest need for such funding; and, (2) the strongest commitment to ensure that such funds are used to enable the lowest achieving schools to meet the progress goals in their school improvement plans and/or those that have been identified for improvement, based on the State's accountability system.

As required by NCLB, SED allocates Title I School Improvement funds [1003(a)] to the LEAs for schools identified for improvement. This funding is to be used by designated LEAs and schools to support the implementation of the goals and objectives identified in the required School Improvement, Corrective Action and Restructuring plans under the NCLB Act of 2001, Section 1116 (b).

Under the differentiated accountability model, SED will use 1003(a) and 1003(g) in four primary ways to support this initiative:

- provide allocations to school districts to support implementation of their schools' improvement, corrective action, and restructuring plans;
- provide enhanced grants to schools to assist them in their participation in the SQR; Curriculum Audit, Joint Intervention Team, and Distinguished Educator processes;
- provide professional development to those involved in the above processes; and
- support the evaluation of the differentiated accountability model.

Use of State Funds

Under Chapter 57, districts with at least one school in improvement-year 2, *Corrective Action or Restructuring* phases that receive certain increases in total foundation aid or supplemental education improvement plan grant are required to submit a Contract for Excellence (C4E). Districts identified as C4E Districts must use a portion of their State Foundation Aid to implement researched-based programs and services that support new programs/activities or expand the use of programs and activities demonstrated to improve student achievement. These programs and services must predominately benefit students with the greatest educational needs. Commissioner's regulations require that identified schools receive no less than their prorated share of a district's C4E allocation, based on a school's weighted need units. These units, in turn, are calculated based upon the percentage of a district's low-income students, students with disabilities, English language learners, and non-proficient students who attend the school. As a result of this requirement, schools in C4E districts, in which the vast majority of New York's identified schools are located, that have the most intensive needs are assured that significant State funds will be allocated to support their research-based improvement strategies.

State funds will also continue to be used to provide planning grants to schools that have been designated as SURR. These funds may be used to implement corrective actions, retain consultants, and provide professional development.

Alignment of State and Local Human Resources to Strengthen the Capacity to Provide Support for Consistently Underperforming Schools

New York State provides a statewide support and intervention system for targeted districts and schools. This system includes a network of providers that include SED staff plus SED funded regional networks (see list below) and institutes of Higher Education. They collaborate to provide focused, tiered professional development and strategic planning and research-based interventions and technical assistance based on an analysis of school improvement plans, monitoring visits, and other data. The technical assistance is focused and specific to a school's needs and based on evidence/research-based practices. Participating providers include:

- VESID's (Vocational and Educational Services for Individuals with Disabilities) SEQA (Special Education Quality Assurance) Office and their network, SETRC (Special Education Training and Resource Centers);
- P-16's Offices of School Improvement (Regional and New York City) and their network, the Regional School Support Centers (RSSCs) ;
- BETAC (Bilingual Education Centers);
- SSSN (Student Support Services Network); and
- IHEs (Institutes of Higher Education).

University of the State of New York (USNY)

In addition to SED partnering with school districts, SED will seek to harness the resources that are available throughout the USNY, including institutions of higher education, as districts assume the central role in providing support to, intervening in, and monitoring the performance of schools.

CORE PRINCIPLE 9: PUBLIC SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES

9.1 Has the state established clear eligibility criteria for PSC and SES?

Response 9.1:

Currently, under NCLB, schools receiving Title I funds that did not make AYP for two consecutive years in the same subject and grade-level with one or more groups are designated as Schools In Need of Improvement (SINI). In New York, SINI schools must take a variety of actions under federal law. An LEA must offer public school choice (PSC) the first year a school is deemed in a school in need of improvement. If the school fails to make AYP for another year after being identified as in need of improvement, the school district or charter school must offer students from low-income families supplemental educational services (SES). SED approves the qualifications of SES providers.

New York is proposing to require districts to provide SES in Year 1 of Improvement and PSC in Year 2. Title I schools in all categories must offer SES to all low-income students, with the district option of serving all non-proficient students. If the school has offered SES to all low-income students, it may also offer SES to all non-proficient students. In year 2, PSC must be offered to all students.

In the new differentiated accountability model, SED will meet the four following “Conditions for Participation” to reverse the order of SES and PSC.

➤ **Availability of SES Providers**

SED will:

- Maintain a comprehensive list of approved SES providers that may include nonprofit, for-profit, faith- and community-based, and online providers; and
- Ensure that there are at least two providers available in each participating LEA from which parents may choose.

➤ **Effective Parent Notification and Outreach**

SED will ensure that participating LEAs:

- Provide timely, clear, accurate notice to parents about the identification of their child's school as in need of improvement and their parental involvement opportunities, including the availability of the SES and public school choice options, in simple language that parents can understand;
- Notify parents of eligible students about SES prior to the start of the school year, or within the first few weeks of the school year, and provide SES shortly thereafter;
- Offer continuous enrollment in SES or multiple SES enrollment periods throughout the school year until each pilot LEA spends the 20 percent required by Title I or until all students who request SES and public school choice are served.

➤ **Level Playing Field for All Providers**

SED will ensure that participating LEAs:

- Provide fair and equitable treatment of non-LEA providers by giving providers access to school facilities at a reasonable price and dividing space among providers in a fair manner;

- Allow providers to market their services to parents and work with community and business partners to reach out to parents and provide them with information on their options.

➤ **Reporting**

SED will:

- Submit complete and accurate public school choice and SES data for all its LEAs to the Department via the Educational Data Exchange Network (EDEN);
- Submit reports to the Department on how the conditions of the flexibility agreement were met, including an explanation of trends in participation in SES and public school choice within the participating LEAs, at the end of the first semester of the school year and at the end of the second semester of that school year.

9.2 Has the state established an educationally sound plan to increase the number of students participating, in the aggregate, in PSC and SES at the state level (even if the number of students eligible for these options decreases)?

Response 9.2:

In the differentiated accountability model, New York intends to increase the number of students participating, in the aggregate, in SES and PSC and at the State level. The State will accomplish this by doing the following:

- require that SES be provided to students enrolled in Title I schools newly identified for improvement. All identified schools must offer SES, at minimum to all low-income students, and may offer SES to all non-proficient students. SED estimates that this change will result, in a minimum, of 25,500 additional students participating in SES by 2010-2011, while the number of students who will not participate in PSC will decline by less than 600; and
- encourage applications and approve additional SES providers to serve student outside the Big Five cities (Buffalo, New York City, Rochester, Syracuse and Yonkers) where options for PSC are limited or nonexistent due to building/grade configuration;

SECTION IV: RESTRUCTURING

CORE PRINCIPLE 10: SIGNIFICANT AND COMPREHENSIVE INTERVENTIONS FOR CONSISTENTLY LOWEST-PERFORMING SCHOOLS

10.1 How does the state ensure that interventions for the lowest-performing schools are the most comprehensive?

Response 10.1:

New York has carefully crafted a system of accountability that increases the rigor of interventions for schools as when they fail to make AYP. The rigor of the interventions as well as the intensity of district and SED oversight increases as schools moves from one phase to the next. (See Figure 1 in the Executive Summary: **HOW NEW YORK’S DIFFERENTIATED ACCOUNTABILITY MODEL WILL WORK.**)

The third phase, *Restructuring*, differentiates among schools according to whether or not the ALL student group or for all other student groups within an accountability measure has failed to make AYP (see Table 2). The new *Restructuring* phase merges the current CA-2/Planning for Restructuring and Restructuring Year 1 and set limits on the number of years a failing school continues to operate. A school failing to make AYP for six or more years needs a different type of intervention that may include phase-out/closure of the school. A key feature of the *Restructuring* phase is that schools in the *Focused* category will be assigned a JIT by the Commissioner to assist in the planning and restructuring initiatives and schools in

the *Comprehensive* category will be assigned a JIT and a Distinguished Educator (DE) by the Commissioner to make recommendations, which may include phase-out closure of the school. This intervention will allow schools that are making progress to continue to implement their Restructuring plan while failing schools would no longer be allowed to continue to operate. Core Principle 8.1 describes the intervention activities of the JIT and DE. In addition, the Commissioner will continue to identify for Registration Review, schools farthest from State standards and most in need of improvement as described in Core Principle 4.2.

Considering that there are 127 *Restructuring* schools in the *Focused* category, 81 *Restructuring* schools in the *Comprehensive* category and additional SURR schools, SED will have a resource challenge to provide each of these schools with appropriate oversight and support. By giving districts both greater latitude and more responsibility at the initial phases of the school improvement continuum, SED and the districts have a greater ability to concentrate resources on those schools that need the most intensive interventions in order to ensure increased student performance. SED will continue encouraging districts to be proactive in addressing instances where schools are failing to perform rather than wait for State interventions to be imposed. Districts will be supported by SED to phase-out failing schools and create new learning environments to ensure student success.

10.2 Has the state established an educationally sound timeline for schools to enter and exit the most comprehensive interventions?

Response 10.2

New York has addressed the timeline of how schools enter and exit the categories with the most intensive interventions in detail in Core Principles 7.1 and 7.2. A thorough definition of each of the interventions for the *Restructuring* phase can be found in Core Principle 8.1.

10.3 Has the state proposed to limit the number of schools that receive the most substantive and comprehensive interventions? If so, has the state provided an educationally sound justification or rationale for this capacity cap?

Response 10.3:

At this time, New York is not proposing a capacity cap to limit the number of schools that receive the most substantive and comprehensive interventions. New York has proposed, however, that assignment of DEs be phased in over a two year period.

10.4 How has the state worked with its school districts to ensure that school districts are implementing interventions for the lowest-performing schools?

Response 10.4:

This entire differentiated accountability model is predicated upon the district and SED working closely with each other to reform schools at every phase. Districts are empowered in the *Basic* and *Focused* categories of the *Improvement* phase and given support and assistance necessary to take primary responsibility for developing and implementing improvement strategies in schools that are not persistently failing to make AYP with large groups of students. In such instances, districts will have considerable flexibility to work with schools to design improvement plans that are tailored to the school's circumstances. If failure becomes more systemic as in *Improvement Comprehensive schools*, in which the all student group or all other student groups within an accountability measure is not making AYP, or when failure continues to persist as in *Corrective Action* schools, SED and the district are better able to concentrate their combined resources on these schools to ensure improvements in student performance. The rigor of the interventions as well as the intensity of district and SED oversight increases as a school moves from one phase to the next. If failure persists, the SED and its agents will enter into partnership with the district to improve student performance through the creation of a JIT. Ultimately, if failure

continues to persist, the SED may assign a DE and direct how the district addresses the needs of students, which may include requiring the closure or phasing out of a school.

SECTION V: DIFFERENTIATION DATA ANALYSIS

Data in Support of Phases and Categories of Intervention

New York has referenced a number of data points to develop its proposed method of differentiation. The data analyses that were used in developing New York’s proposal support the need for this differentiated accountability model.

The analysis in this section is based upon the 2007-2008 accountability status of schools. The State assures that all student performance and accountability files have been submitted to *EDFacts* and are accurate.

Figures 3a (Current) and 3b (Proposed) demonstrate how the total percentage of schools that are currently in school improvement would be better distributed within three Phases of Intervention: *Improvement*, *Corrective Action*, and *Restructuring*. By combining a fragmented system of State and NCLB accountability designations and intervention strategies, New York’s differentiated accountability model will support a more focused approach, permitting districts and schools to efficiently implement one specific intervention within each phase.

Figure 3a: **Current System in Need of Differentiation**

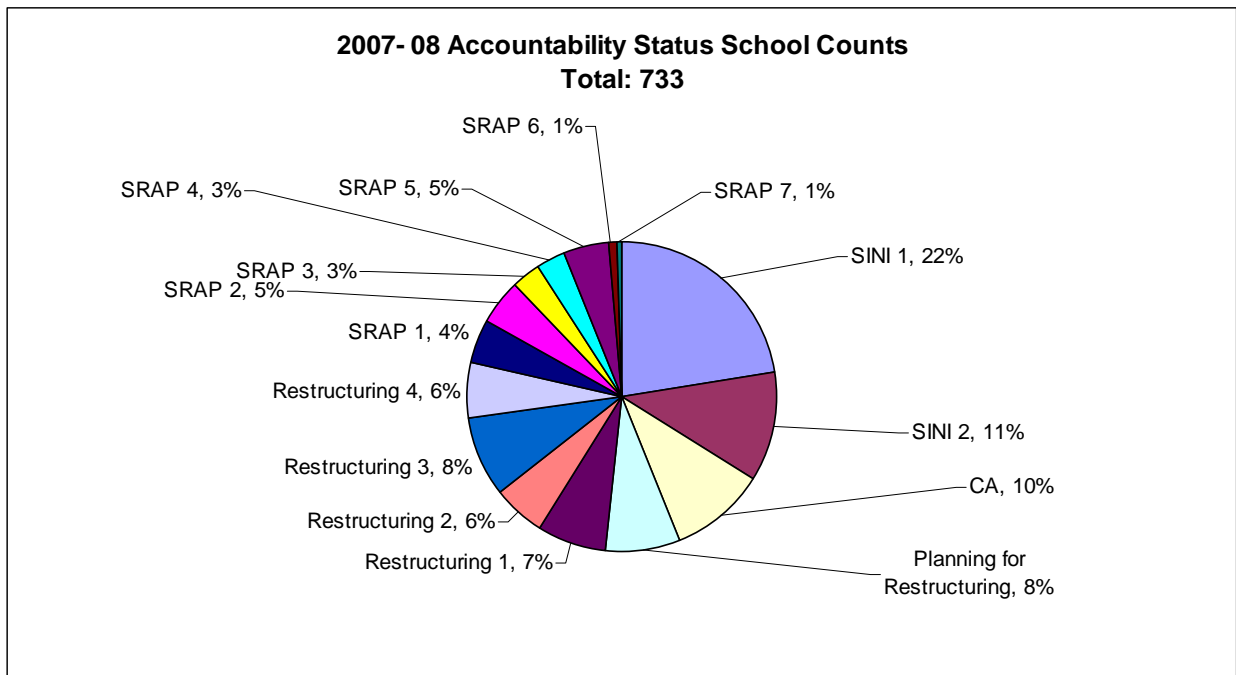
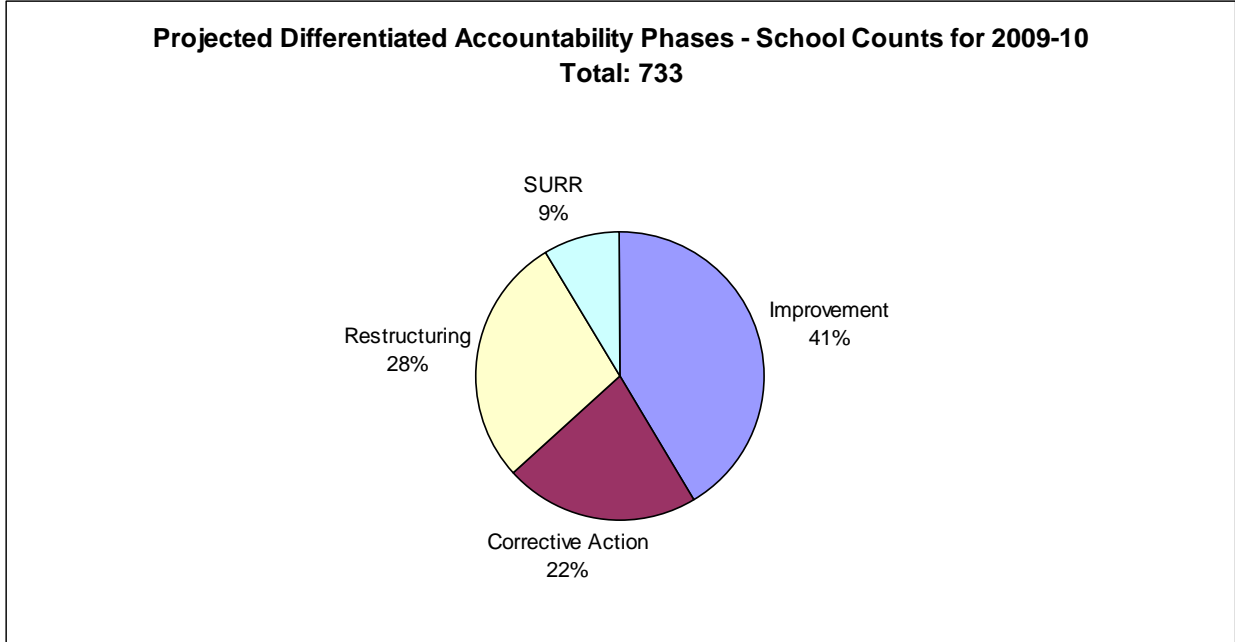


Figure 3b: **Three Improvement Phases in Proposed Differentiated Accountability Model**



Figures 3a and 3b also suggest that the new differentiated accountability model offers the public greater levels of transparency and simplicity.

Figure 4: **Categories Allow Further Differentiation**

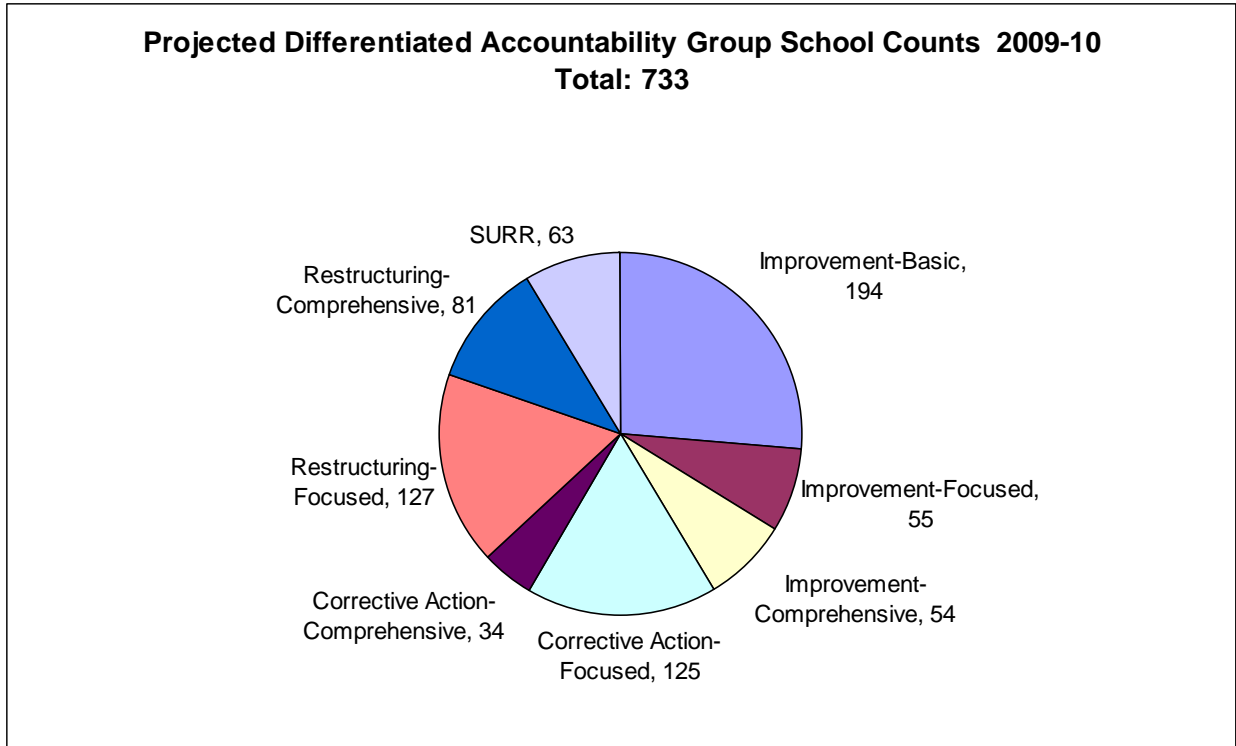


Figure 4 shows that the three *Phases* and the three *Categories* combine to create a transparent, coherent accountability system. Differentiation of the phases among categories will permit New York to base accountability designations and requirements on the manner in which a district or school failed to make AYP. The *Basic*, *Focused* and *Comprehensive* categories allow for differentiation in the improvement process, permitting schools and districts to prepare and implement school improvement plans that best match a school's designation.

Table 5: Percent Proficient for Each Student Group in Grades 3-8 and High School ELA with Differentiated Accountability, 2006-2007

| Phase | Category | All | SWD | Native Am | Asian | Black | Hisp | White | LEP | ED |
|-------------------|---------------|-----|-----|-----------|-------|-------|------|-------|-----|----|
| Improvement | Basic | 60 | 18 | 12 | 62 | 43 | 46 | 70 | 30 | 49 |
| Improvement | Focused | 51 | 16 | | 59 | 44 | 44 | 65 | 21 | 46 |
| Improvement | Comprehensive | 40 | 11 | | 44 | 40 | 32 | 37 | 22 | 39 |
| Corrective Action | Focused | 58 | 18 | | 63 | 47 | 47 | 70 | 26 | 50 |
| Corrective Action | Comprehensive | 45 | 10 | | 55 | 41 | 38 | 65 | 26 | 41 |
| Restructuring | Focused | 45 | 13 | | 56 | 39 | 40 | 59 | 21 | 42 |
| Restructuring | Comprehensive | 36 | 10 | | 46 | 36 | 32 | 43 | 17 | 34 |
| SURR | | 25 | 6 | 9 | 12 | 25 | 22 | 25 | 8 | 24 |

Table 6: Percent Proficient for Each Student Group in Grades 3-8 and High School Mathematics with Differentiated Accountability, 2006-2007

| Phase | Category | All | SWD | Native Am | Asian | Black | Hisp | White | LEP | ED |
|-------------|----------|-----|-----|-----------|-------|-------|------|-------|-----|----|
| Improvement | Basic | 71 | 32 | 13 | 78 | 55 | 66 | 74 | 60 | 65 |

| | | | | | | | | | | |
|--------------------------|----------------------|----|----|---|----|----|----|----|----|----|
| Improvement | Focused | 65 | 30 | | 77 | 55 | 62 | 71 | 48 | 62 |
| Improvement | Comprehensive | 49 | 17 | | 64 | 44 | 44 | 36 | 43 | 48 |
| Corrective Action | Focused | 66 | 28 | | 78 | 50 | 60 | 73 | 51 | 60 |
| Corrective Action | Comprehensive | 52 | 16 | | 67 | 45 | 48 | 66 | 42 | 49 |
| Restructuring | Focused | 55 | 21 | | 75 | 45 | 54 | 63 | 46 | 54 |
| Restructuring | Comprehensive | 45 | 16 | | 59 | 39 | 45 | 46 | 38 | 44 |
| SURR | | 27 | 9 | 9 | 13 | 24 | 28 | 24 | 19 | 26 |

Tables 5 and 6 clearly show the correlation between the percentage of students proficient and the phase and category in which a school is placed. For example, while 71% of all students attending schools in the *Basic* category of the *Improvement* phase are proficient in mathematics, only 27% of students in SURR schools are proficient. In ELA, there is a 17% gap in the percentage of students proficient between schools in the *Basic* and *Comprehensive* categories of the *Improvement* phase.

Table 7 (shown below) supports New York’s premise that schools are most likely to make AYP when they are first identified for improvement. The longer a school remains identified, the less likely it becomes that the school will make AYP. In the 2006-2007, the schools within the *Improvement* phase were most likely to make AYP and to exit from accountability status. Within the *Improvement* phase those in the *Basic* category were most likely to make AYP (73%). The fewer the subgroups for which a school failed to make AYP, the higher the likelihood that the school would make AYP on all accountability measures. In contrast, those that did not exit and moved further along the accountability continuum were least likely to make AYP (9%) and therefore require the most intense support (assignment of a JIT or a DE). The data affirms that districts generally have the capacity to address the targeted needs in the *Improvement* phase and should be given the latitude to do so. However, as schools demonstrate either systemic and/or persistent failure, the need for more intensive interventions becomes necessary.

Table 7: Schools in the Improvement Phase make the Most Improvement Early On

| 06-07 Phase | 06-07 Category | 07-08 Status | | |
|--------------------------|-----------------------|---------------------|-------------------|-------------------|
| | | # of Schools | # Made AYP | % Made AYP |
| Improvement | Basic | 146 | 106 | 73% |
| Improvement | Focused | 66 | 31 | 47% |
| Improvement | Comprehensive | 62 | 31 | 50% |
| Corrective Action | Focused | 129 | 75 | 58% |
| Corrective Action | Comprehensive | 73 | 23 | 32% |
| Restructuring | Focused | 96 | 26 | 27% |
| Restructuring | Comprehensive | 53 | 5 | 9% |
| SURR | | 55 | 8 | 15% |
| | | 680 | 305 | 45% |

Data Supports Offering SES in Year 1 of Identification in Lieu of Public School Choice

Table 8: Insufficient Participation in Current Application of SES

| Program | Eligible Students | Participating Students | % Participating |
|----------------|--------------------------|-------------------------------|------------------------|
| PSC | 429,683 | 4,102 | less than 1 % |
| SES | 272,164 | 87,814 | 32 % |

Table 8 shows that of the 429,683 students eligible for PSC, 4,102 (less than 1 percent) have transferred to another public school. Of the 272,164 students eligible for SES, 87,814 (32 percent) have received services.

While the number of students eligible for SES is approximately 65 percent of the number eligible for PSC, the number of students participating in SES is more than 20 times the number participating in PSC. It is evident that if SES is offered sooner, more students will participate.

Table 9: Increased SES Participation within Differentiated Accountability

| | Improvement Basic | Improvement Focused | Improvement Comprehensive | TOTAL |
|--|--|--|--|---------------|
| # Newly Identified Title I Schools | 58 | 33 | 25 | 116 |
| # Students Enrolled | 28,521 | 18,671 | 9,688 | 56,880 |
| Target Group | Low-income students at a minimum, with district option to provide SES to all non-proficient students | Low-income students at a minimum, with district option to provide SES to all non-proficient students | All low-income students with the option of serving all non-proficient students | |
| # Students Eligible for SES in Target Group | 28,521 | 18,671 | 9,688 | 56,880 |
| Estimated Participation Rate | 30% | 30% | 30% | |
| Estimated Additional Students Participating in SES Year 1 | 8,556 | 5,601 | 2,906 | 17,063 |

Table 9 provides the estimated number of students eligible for PSC and SES under the differentiated accountability model. Using data from the prior school year, New York estimates that over 17,000 additional students will participate in SES in the first year of its differentiated accountability model and nearly 25,500 in the second year.

Explanation of Table 9:

New York estimates that over 17,000 additional students will participate in SES in Year 1 of NY's differentiated accountability initiative and over 25,500 in Year 2. Numbers were estimated as follows:

1. For each newly identified Title I school the following were calculated: enrollment and the number of low-income students
2. A determination was made for each group of schools regarding the number of students in the school's target group that would be eligible for SES. For all categories, it was assumed that that low income would be the target group. These figures are conservative because some schools may choose the option of serving all other all non-proficient students.
3. The number eligible was multiplied by an estimated participation rate of 30 percent. This is considered a conservative estimate given that NY's current SES participation rate Statewide has ranged between 32 percent and 39 percent over the last several years.
4. Based on these calculations, it was assumed that 17,063 additional students would participate in SES.
5. It is further assumed that 50 percent of these schools will make AYP and remain in the *Improvement* phase. Historically in New York, over 50 percent of schools newly identified as SINI-1 make AYP. This means approximately an additional 8,500 students who are in schools in Year 2 of the *Improvement* phase would remain eligible for SES. Therefore, by Year 2, it is a conservative estimate that under this proposal SES participation would increase by about 15 percent.
6. Historically, less than 1 percent of eligible students in NY use the PSC option. The 1 percent of eligible students equals 568 students and therefore we believe the option to offer SES over PSC will benefit a larger percentage of students.

The data presented in Tables 8 and 9, supports New York's differentiated model as it is likely to increase combined participation in PSC and/or SES by requiring that schools newly identified in the *Improvement* phase first offer SES to parents in the first year instead of PSC.

SECTION VI: ANNUAL EVALUATION PLAN

Background/Experience:

New York has a long history of maintaining a statewide system of school improvement oversight that includes data collection, analysis and evaluation that is used to annually assess student academic achievement and school improvement initiatives statewide. SED maintains a Student Information Repository System that collects individual student demographic and achievement data as well as school and district level program data. The repository system supports the linkage between student level data and program data for use in this evaluation. Additionally, SED has been externally evaluated over the past year and will use the results of this evaluation to increase the capacity of the department to collect, analyze, and evaluate student performance data. New York is also in the process of submitting a growth model to USED. When implemented for the 2008-2009 school year, these growth measures will provide additional information on the effectiveness of the strategies that are embodied in this differentiated accountability model.

Evaluation:

An annual evaluation will be conducted to assess both the implementation and outcomes of the proposed differentiated accountability system. To evaluate the appropriateness and effectiveness of the differentiated accountability model, the current State data repository system will be used. During the 2009 calendar year, SED intends to negotiate and enter into a Memorandum of Understanding with a State University of New York (SUNY) Research Center, including deliverables. In the 2009-

2010 school year, the evaluation will focus on implementation: From 2010-2011 and forward, the evaluation will assess both the implementation and outcomes of the differentiated accountability system. This evaluation will provide annual reports of findings and recommendations. [Data from the current State data repository will be used](#) to evaluate the appropriateness and effectiveness of the differentiated accountability model. [Examples of implementation and outcome measures that will be available from the State data repository](#) . [Examples of implementation and outcome measures that will be available from the State data repository](#) include:

Measures of Implementation:

- Number of schools identified for the three phases
- Number of schools identified for the three categories
- Number of qualified students receiving SES and/or opting for PSC
- Achievement levels of students receiving SES or PSC

Measures of Outcomes:

- Change in the percentage of students performing at Levels 1-4 on State assessments
- Percentage of students making growth towards proficiency
- Change in high school graduation rates
- Change in identification rate in each phase and/or category of Differentiated Accountability
- Increase/Decrease in the number of schools identified for the ALL student group
- Increase/Decrease in the number of schools/districts making AYP
- Increase/Decrease in the number of schools and districts removed from identification status
- Increase/Decrease in the number of years schools are identified for student groups or in the ALL student group
- Annual increase in number and percent of qualified students receiving SES and/or opting for PSC

In addition this evaluation will include action-oriented research to assess the effectiveness of each strategy contained within each phase and category of this model. SED plans to have the SUNY research center assemble a team composed of researchers from several disciplines, expert in educational research and the assessment process. Utilizing both quantitative statistical data and qualitative analysis (through interviews, oral histories, surveys, etc.) and the perceptions of stakeholders in the process, the research will gauge the strengths of and improvement opportunities in the new system. The implementation and outcome evaluation, along with action research on select components, will provide useful information to other states. This process will supplement our continued tracking of the performance of individual students over time through our current system. SED also intends to submit a growth model to USED in October, which we plan to utilize to further refine the evaluative process.

The use of an applied research model, in the words of one researcher, helps to provide “an essential base for building a shared understanding” about the system and the “differential impact on outcomes and experiences in specific settings. “ (Warren Simmons, *From Smart Districts to Smart Education Systems: A Broader Agenda for Educational Development*, p. 13, www.annenberginstitute.org/pdf/Simmons.pdf, assessed September 8, 2008; adapted from a chapter by Simmons in *City Schools: How Districts and Communities Can Create Smart Education Systems*, Robert Rothman, ed., Harvard Education Press, 2007, paperback). The evaluation to be conducted in cooperation with the SUNY Research Center should further our knowledge about the context under which change may or may not occur in different settings and the impact of interventions, thus helping in the evaluative process toward improving and sustaining the achievement level of students.

Upon entering into a MOU with SUNY, the State Education Department would have access to a very experienced group of educational researchers from the State University of New York (SUNY), Albany. The Department of Educational Administration and Policy Studies at SUNY Albany is placed among the leading departments of educational policy and leadership. Faculty are recognized for their expertise in policy and leadership, discipline-based research, accountability and evaluation, and the ability to translate and communicate research findings into practical terms. They have an in-depth knowledge and understanding of schools and schooling throughout New York State. They have experience with large-scale data bases, teacher preparation and student outcomes, school improvement models and learning support systems, educational practices, and professional development. Some of their work has been supported by the Carnegie Foundation, the National Science Foundation, the New York State Education Department, the United States Department of Education, and the National Center for the Analysis of Longitudinal Data in Education Research among others. Their capability is also enhanced by the School of Education's participation in a number of joint projects and consortiums, such as the Educational Evaluation Research Consortium.

Through both qualitative and quantitative assessments, the evaluators will gauge the strengths of and improvement opportunities in the new system and further our knowledge about the context under which change may or may not occur in different settings. This will enable us to better evaluate the impact of interventions toward improving and sustaining the achievement level of students. Some of the questions that they may look at include the following: 1) To what extent are schools focused on improving English language arts and mathematics? 2) What conditions and practices facilitate effective implementation of school improvement initiatives and what may be barriers to implementation of school improvement initiatives? 3) To what degree did NYSED sponsored initiatives, such as School Quality Review Teams, Joint Intervention Teams, and Distinguished Educators help teachers, school leaders, and districts improve student achievement? 4) How has student achievement outcomes changed over time? 5) How do student achievement scores from identified schools in various phases and categories compare with achievement scores from non-identified schools having similar demographics and conditions over time? 6) How do student achievement scores compare with statewide achievement scores over time? 7) What relationships exist between improvement initiatives and student achievement? 8) What is the impact on school improvement identification under the Differentiated Accountability Model versus the original NCLB model? 9) To what degree did NYSED successfully implement the ten Core Principles of Differentiated Accountability? What are the implications of the study for state policy makers?

RESEARCH APPENDIX

Supplemental Educational Services (SES) and Public School Choice PSC)

The empirical data for New York shows greater participation in SES when compared to PSC, with a 32% percent participation rate in SES and a one percent participation rate in PSC. This data support our proposal to allow districts to provide SES in Year 1 of Improvement and PSC in Year 2. As a result of this change, we anticipate that participation in SES will increase by a minimum of 14,000 students by 2010-2011 while public school participation will decrease by less than 600 students. This proposal to require that SES be offered to students immediately upon a school's entry into improvement is also based on research that points to the greater effectiveness of SES in raising student achievement in both mathematics and reading. The greater effectiveness of SES is illustrated, for example, in a recent study

that Rand Corporation conducted for the U.S. Department of Education. (See U.S. Department of Education, Office of Planning, Evaluation and Policy Development, Policy and Program Studies Service, *State and Local Implementation of the No Child Left Behind Act, Volume I—Title I School Choice, Supplemental Educational Services, and Student Achievement*, Washington, D.C. 2007.)

Studies Regarding our Proposed Interventions and Student Achievement

Our proposal incorporates research regarding effective schools and student achievement. Robert Marzano in a meta-analysis of 35 years of research notes the significance of school-level, teacher-level and student-level factors that lead to significant change in student achievement. Two of our proposed intervention strategies, the School Quality Review (SQR) and the Curriculum Audit (CA), reflect Marzano’s emphasis on curriculum and instructional strategies and improving the school culture in affecting student achievement. “A guaranteed and viable curriculum,” is first on Marzano’s list of school-level factors. Moreover, the flexibility we are proposing for schools in need of improvement identified in only one accountability measure/subgroup to develop targeted improvement plans based on a guided internal assessment is in keeping with research highlighting the importance of adapting the process and remedy to a particular school’s practices, culture and achievement problems. Marzano states that research relating to student achievement has to be adapted to the particular situation because it “doesn’t mean that it is important in a given school.” (Robert J. Marzano, *What Works in Schools: Translating Research Into Action*, Alexandria, VA, Association for Supervision and Curriculum Development, 2003). In a related context, an analysis entitled, *Educational Architects: Do State Education Agencies Have the Tools Necessary to Implement NCLB*, indicates that states could more effectively use their resources “if they could provide a different level of technical assistance to a school identified for improvement because just one subgroup of students missed AYP targets than to a school identified for improvement because students overall missed AYP targets.” (Center on Education Policy, May 2007.) This finding is consistent with the way in which this proposal differentiates the *Basic* and *Focused* category from the *Comprehensive* one.

The proposal’s focus on the State Education Department providing districts with greater responsibility and latitude to work with schools in need and to enter into partnerships that build the capacity of districts to address effectively schools with greater need is also in keeping with much research. For example, research points to the important role of districts as well as leadership in the school in developing a breakthrough system of focused instruction that can raise the achievement level of students. (See, for example, Michael Fullan, Peter Hill, and Carmel Crevola, *Breakthrough*, Thousand Oaks, CA, Corwin Press, 2006.) The district is closest to the schools and our proposal suggests that districts should focus first on building internal accountability in the schools before more intrusive, State directed interventions occur.

Also in keeping with research is the proposal’s focus on the role of districts in the development and implementation of improvement plans. Research indicates that improved districts balanced both the “autonomy and control by serving as helpful mentors to schools.” (See, “Research Brief, *Characteristics of Improved School Districts*, Learning Point Associates, www.centerforcsri.org.) The importance of districts in the initial improvement process and in tailoring interventions to the specific needs of the particular school is also illustrated in other research. (See, for example, Maria R. Ucelli and Ellen L. Foley, *Results, Equity, and Community: The Smart District” Voices in Urban Education*,” No. 5, Fall 2004, www.annenberginstitute, Fall 2004.) The district intervention strategy in the early improvement stages, researchers note, helps in effect, to extend “the state’s capacity to improve student achievement.” (See, *School and District Intervention: A Decision-Making Framework for Policymakers*, University of Massachusetts Center for Education Policy, Winter 2002.)

The SQR and Curriculum Audit, in addition to the research cited in Core Principle 8, are further informed by research relating to improved school districts that identifies aligned curriculum and assessment, quality

classroom instruction, and professional development as essential aspects of efforts to improve districts and schools. (See, G.S. Shannon and P. Bylsma, *Characteristics of Improved School Districts: Themes from Research*, Olympia, WA: Office of Superintendent of Instruction, 2004, and *Research Brief: "Characteristics of Improved School Districts,"* December, 2006, Learning Point Associates. www.centerforcsri.org.)

Our proposal to require schools in the *Corrective Action* phase to implement not one but two NCLB required corrective action while providing schools two years to implement the recommendations of the Curriculum Audit draws on research that shows the importance of a viable curriculum and instructional strategies (Douglas B. Reeves, *High Performance in High Poverty Schools: 90/90/90 and Beyond*, 2003) and the need for sufficient time for plan implementation.

Our strategy of providing intensive intervention in the lowest performing schools, including working in partnership with districts and other agents for a school turnaround, is in keeping with significant studies that substantiate what has worked in the lowest performing schools. Research further notes the importance of increasing internal capacity in schools and working with a "turnaround partner." This corresponds to our use of a JIT and DE to work with our lowest performing schools. The JITs and DE would provide oversight and integrative strategies that are needed for a turnaround in the schools most in need of improvement. (See, for example, *The Turnaround Challenge: Why America's best opportunity to dramatically improve student achievement lies in our worst-performing schools*, Boston, MA, Mass Insight Education & Research Institute, 2007.) While initially we are proposing to give the district additional authority and discretion, if the district is unable to improve the schools, then district discretion is lessened and the state assumes a greater role. This is supported by research that the "critical state role [is] catalyzing the most proactive response possible from all local stakeholders."(*Turnaround Challenge*.)